

JOURNAL OF THE EXECUTIVE PROCEEDINGS OF THE SENATE OF THE UNITED STATES.

[25th Congress, 2d session.]

THURSDAY, DECEMBER 7, 1837.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I nominate for reappointment Uriel Sebree to be receiver of public moneys for the district of lands subject to sale at Fayette, in the State of Missouri, from the 17th of the present month, when his commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 6th, 1837.*

To the Senate of the United States:

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, *4th December, 1837.*

WAR DEPARTMENT, *December 4th, 1837.*

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for regular promotion, and persons for appointment in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, 4th December, 1837.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

First Regiment of Artillery.

Second Lieutenant William H. Betts to be first lieutenant, 30th November, 1837, vice Ammen, resigned.

Third Regiment of Artillery.

Second Lieutenant Augustus P. Allen to be first lieutenant, 23d November, 1837, vice Graham, appointed assistant topographical engineer.

First Regiment of Infantry.

First Lieutenant Electus Backus to be captain, 17th October, 1837, vice Kingsbury, resigned.

Second Lieutenant William H. Storer to be first lieutenant, 17th October, 1837, vice Backus, promoted.

John H. King, of Michigan, to be second lieutenant, 2d December, 1837, vice Storer, promoted.

Third Regiment of Infantry.

Josiah H. Vose, of Massachusetts, to be second lieutenant, 2d December, 1837, vice Barnwell, resigned.

Fourth Regiment of Infantry.

Brevet Major Bennet Riley, captain of the 6th Regiment of Infantry, to be major, 26th September, 1837, vice Birch, deceased.

Sixth Regiment of Infantry.

First Lieutenant Gustavus Dorr to be captain, 26th September, 1837, vice Riley, promoted.

Second Lieutenant John P. Center to be first lieutenant, 26th September, 1837, vice Dorr, promoted.

Second Lieutenant Joseph P. Harrison to be first lieutenant, 31st October, 1837, vice Sevier, resigned.

William D. Berrien, of Georgia, to be second lieutenant, 16th October, 1837, vice Center, promoted.

Henry W. Wharton, of Alabama, to be second lieutenant, 31 October, 1837, vice Harrison, promoted.

Topographical Department.

Brevet Captain William Turnbull, assistant topographical engineer, to be topographical engineer, with the brevet rank of major, 23d November, 1837, vice McNeil, resigned.

Campbell Graham, first lieutenant of the Third Regiment of Artillery, to be assistant topographical engineer, with the brevet rank of captain, 23d November, 1837, vice Turnbull, promoted.

Pay Department.

Thomas J. Leslie, paymaster of the Corps of Engineers, to be reappointed, to take effect 27th November, 1837, when his present commission expired.

Purchasing Department.

James W. Kingsbury, late captain of the First Regiment of Infantry, to be military storekeeper, 17th October, 1837, vice Spencer, resigned.

R. JONES,

Adj't Gen'l.

Respectfully submitted,

AL. MACOMB,
Major-General, Commanding in Chief.

The messages were read.

Ordered, That the nomination of Uriel Sebree be referred to the Committee on Public Lands.

Ordered, That the nominations for promotions and appointments in the Army be referred to the Committee on Military Affairs.

MONDAY, DECEMBER 11, 1837.

On motion by Mr. White,

Ordered, That the Secretary of the Senate be authorized to deliver to the Secretary of War the following papers now on the executive files of the Senate, to wit:

The original articles of agreement signed by Jonathan Keller and others on the part of the Miami Indians, at the forks of the Wabash, on the 31st of July, 1837, which accompanied the treaty with the Miami tribe of Indians made at the same place on the 23d October, 1834, and transmitted to the Senate with the message of the 4th of October, 1837; and the original power of attorney given by the Saint Regis Indians, of New York, to Eleazer Williams, on the 3d of August, 1836, which accompanied the treaty with the Oneida, Tuscarora, and Saint Regis Indians, concluded at Duck Creek, Wisconsin Territory, on 16th September, 1836; and the supplementary articles concluded at the same place, on 9th of December, 1836, which were transmitted to the Senate with the message of the 25th January, 1837.

WEDNESDAY, DECEMBER 13, 1837.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

An error having been committed in the name of the person nominated to the Senate at the last session as consul for the port of Monterey, in Mexico, I now nominate Jonathan P. Gilliam to be consul for that port.

M. VAN BUREN.

WASHINGTON, *December 12th, 1837.*

I nominate to the Senate John Parrott to be consul of the United States for the port of Mazatlan, in Mexico.

M. VAN BUREN.

WASHINGTON, *December 12th, 1837.*

I nominate to the Senate Robert C. Nicholas to be attorney of the United States for the eastern district of Virginia, from the 31st day of December, 1837, when his present commission will expire.

Tilgham A. Howard to be attorney of the United States for the district of Indiana, from the 31st day of December, 1837, when his present commission will expire.

John S. Darcy to be marshal of the United States for the district of New Jersey, from the 31st day of December, 1837, when his present commission will expire.

James Primrose to be consul for the port of Pictou, in Nova Scotia.

John J. D'Wolf, of Rhode Island, to be consul for the port of Sydney, in Nova Scotia.

Joseph Forrest and William Waters to be justices of the peace for the county of Washington, in the District of Columbia, from the 16th day of December, 1837, when their present commissions will expire.

James Carson to be a justice of the peace for the county of Alexandria, in the District of Columbia, from the 16th day of December, 1837, when his present commission will expire.

Charles H. Wiltberger and William H. Gunnell to be justices of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, December 12th, 1837.

To the Senate of the United States:

I nominate Robert K. McLaughlin to be register of the land office for the district of lands subject to sale at Vandalia, in the State of Illinois, vice Charles Prentice, deceased.

M. VAN BUREN.

WASHINGTON, Dec'r 12th, 1837.

The messages were read.

Whereupon

The Senate proceeded, by unanimous consent, to the consideration of the message nominating Jonathan P. Gilliam; and,

On motion by Mr. King,

Resolved, That the Senate do advise and consent to the appointment of Jonathan P. Gilliam, agreeably to the nomination.

Ordered, That the nominations of John Parrott, James Primrose, and John J. D'Wolf, contained in the message of this day, be referred to the Committee on Commerce.

Ordered, That the nominations of Robert C. Nicholas, Tilghman A. Howard, and John S. Darcy be referred to the Committee on the Judiciary.

Ordered, That the nominations of Joseph Forrest, William Waters, James Carson, Charles H. Wiltberger, and William H. Gunnell be referred to the Committee on the District of Columbia.

On motion by Mr. Young,

The Senate proceeded, by unanimous consent, to the consideration of the message nominating Robert K. McLaughlin.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of Robert K. McLaughlin, agreeably to the nomination.

TUESDAY, DECEMBER 19, 1837.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I nominate James Liddell, of Georgia, to be a commissioner under the 17th article of the treaty of 1835 with the Cherokees, vice Wilson Lumpkin, resigned.

M. VAN BUREN.

WASHINGTON, December 16th, 1837.

To the Senate:

I nominate Rodger Barton, of Mississippi, to be a commissioner under the act of 3d March, 1837, relative to claims to reservations under the 14th article of the treaty of 1830 with the Choctaws, vice P. R. R. Pray, resigned.

M. VAN BUREN.

WASHINGTON, December 18th, 1837.

To the Senate of the United States:

I nominate Domingo Acosta to be surveyor and inspector of the revenue for the port of Fernandina, in the district of St. John's, in the Territory of Florida.

M. VAN BUREN.

WASHINGTON, Dec'r 16th, 1837.

To the Senate of the United States:

I nominate Benjamin Jones Shain to be surveyor and inspector of the revenue for the port of Ponchartrain, in the State of Louisiana, vice John W. Bingey, deceased.

M. VAN BUREN.

WASHINGTON, Dec'r 15th, 1837.

To the Senate of the United States:

I nominate Charles Kiddell to be appraiser of goods for the port of Charleston, in the State of South Carolina, vice Charles L. West, deceased.

M. VAN BUREN.

WASHINGTON, Dec'r 16th, 1837.

To the Senate of the United States:

I nominate Benjamin Rush Gantt to be receiver of public moneys for district of lands subject to sale at Opelousas, in the State of Louisiana, vice Abraham H. Andrus, deceased.

M. VAN BUREN.

WASHINGTON, Dec'r 13, 1837.

Gentlemen of the Senate:

I nominate for your advice and consent James K. Gibson to be deputy postmaster at Abingdon, in the State of Virginia, from and after the 31st inst., in place of Robert R. Preston, resigned.

M. VAN BUREN.

The messages were read.

Ordered, That the nominations of James Liddell and Rodger Barton be referred to the Committee on Indian Affairs.

Ordered, That the nominations of Domingo Acosta, Benjamin Jones Shain, and Charles Kiddell be referred to the Committee on Commerce.

Ordered, That the nomination of Benjamin Rush Gantt be referred to the Committee on Public Lands.

On motion by Mr. Robinson,

The Senate proceeded, by unanimous consent, to the consideration of the message nominating James K. Gibson.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of James K. Gibson, agreeably to the nomination.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

To the Senate:

I transmit, for the action of the Senate, treaties negotiated with the following Indian tribes, viz:

1. The Chippewas of the Mississippi.
2. The Kioways, Ka-ta-kas, and Ta-wa-ka-ros.
3. The Sioux of the Mississippi.

4. The Sacs and Foxes of the Mississippi.
5. The Sioux of the Missouri.
6. The Sacs and Foxes of the Missouri.
7. The Winnebagoes.
8. The Ioways.

M. VAN BUREN.

WASHINGTON, *December, 1837.*

The message and the several treaties transmitted therewith were read.

On motion by Mr. White,

Ordered, That the message, documents, and treaties be severally referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

On motion by Mr. White,

The Senate having reconsidered the reference of the nomination of James Liddell to the Committee on Indian Affairs, proceeded, by unanimous consent, to the consideration of the said nomination.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of James Liddell, agreeably to the nomination.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 13th instant, the nominations of attorneys and marshal, reported.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of Robert C. Nicholas, Tilghman A. Howard, and John S. Darcy, agreeably to their nominations respectively.

Mr. Roane, from the Committee on the District of Columbia, to whom were referred, on the 13th instant, the nominations of justices of the peace, reported.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of Joseph Forrest, William Waters, James Carson, Charles H. Wiltberger, and William H. Gunnell, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 7th instant, the nomination of Uriel Sebree, reported.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of Uriel Sebree, agreeably to the nomination.

On motion by Mr. Walker,

The Senate having reconsidered the reference of the nomination of Roger Barton to the Committee on Indian Affairs, proceeded, by unanimous consent, to the consideration of the said nomination.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of Roger Barton, agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 7th instant, the nominations for promotions and appointments in the Army of the United States, reported.

Whereupon

Resolved, That the Senate do advise and consent to the said promotions and appointments, agreeably to the nominations respectively.

On motion by Mr. Lyon,

Ordered, That the petition of sundry citizens of the State of Michigan

praying for an alteration in the 4th article of the treaty made at St. Peter's, on the Mississippi, on the 29th of July, 1837, with the Chippewa Nation of Indians, which was presented on the 6th instant and laid on the table, be transferred from the legislative to the executive files of the Senate and referred to the Committee on Indian Affairs.

TUESDAY, DECEMBER 26, 1837.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

To the Senate of the United States :

I nominate Theodore P. Green, John R. Tucker, and Thomas J. Page, now passed midshipmen, to be lieutenants in the Navy, from this date, to supply vacancies.

John C. Spencer to be a surgeon in the Navy, from this date, to supply a vacancy.

John Thomas to be Navy agent for the port of Baltimore for four years from the 31st of December, 1837, the time his present commission will expire.

M. VAN BUREN.

WASHINGTON, Dec'r 20th, 1837.

To the Senate :

I nominate Patrick H. Fontaine to be principal surveyor of Chickasaw lands, in the place of John Bell, resigned.

M. VAN BUREN.

WASHINGTON, Dec'r 26th, 1837.

The messages were read.

Ordered, That the nominations of officers in the Navy be severally referred to the Committee on Naval Affairs.

Ordered, That the nomination of Patrick H. Fontaine be referred to the Committee on Public Lands.

Mr. King, from the Committee on Commerce, to whom were referred, on the 13th instant, the nominations of consuls, reported.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of James Primrose, John I. D'Wolf, and John Parrott, agreeably to their nominations respectively.

SATURDAY, JANUARY 6, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

To the Senate of the United States :

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively affixed to their names, viz:

Thomas L. Shaw to be collector of the customs for the district and inspector of the revenue for the port of Georgetown, in the State of South Carolina, from the 3d of January, 1838.

Rob't S. Garnett to be collector of the customs for the district and inspector of the revenue for the port of Tappahannock, in the State of Virginia, from the 9th of January, 1838.

Samuel Hall to be surveyor and inspector of the revenue for the port of Portsmouth, in the State of New Hampshire, from the 9th January, 1838.

Thomas H. Jersey to be surveyor for the district and inspector of the revenue for the port of Charleston, in the State of South Carolina, from the 12th January, 1838.

Thomas S. Wayne to be naval officer for the district of Savannah, in the State of Georgia, from the 13th of January, 1838.

M. VAN BUREN.

WASHINGTON, Dec'r 27th, 1837.

To the Senate of the United States:

I nominate Robert S. Smith to be collector of the customs for the district and inspector of the revenue for the port of New Bedford, in the State of Massachusetts, vice Lemuel Williams, resigned, to take effect on the 15th of January, 1838.

M. VAN BUREN.

WASHINGTON, Dec'r 27th, 1837.

To the Senate of the United States:

I nominate Hampton L. Boon to be register of the land office for the district of lands subject to sale at Fayette, in the State of Missouri, from the 24th of January, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Dec'r 28, 1837.

Gentlemen of the Senate:

I nominate for your advice and consent George W. Thompson to be deputy postmaster at Wheeling, in the State of Virginia, in place of Richard McClure.

M. VAN BUREN.

To the Senate of the United States:

I nominate for re-appointment the following land officers, whose commissions will expire at the dates respectively affixed to their names, viz:

Armstead D. Carey to be receiver of public moneys for the district of lands subject to sale at Sparta, in the State of Alabama, from the 1st of January, 1838.

Samuel Cruse to be receiver of public moneys for the district of lands subject to sale at Huntsville, in the State of Alabama, from the 4th January, 1838.

M. VAN BUREN.

WASHINGTON, Dec'r 28th, 1837.

To the Senate of the United States:

I nominate Walter L. Brown to be receiver of public moneys for the district of lands subject to sale at Springfield, in the State of Missouri, vice Robert T. Brown, resigned.

M. VAN BUREN.

WASHINGTON, Jan'y 2d, 1838.

I nominate to the Senate George W. Gayle, of Mobile, to be attorney of the United States for the southern district of Alabama, in the place of John Forsyth, junior, resigned.

M. VAN BUREN.

WASHINGTON, *January 3d, 1838.*

To the Senate of the United States:

I nominate George Bancroft to be collector of the customs for the district of Boston and Charlestown, in the State of Massachusetts, vice David Henshaw, resigned.

M. VAN BUREN.

WASHINGTON, *Jan'y 6th, 1838.*

The messages were read.

Ordered, That the nominations of officers of the customs be severally referred to the Committee on Commerce.

Ordered, That the nominations of Hampton L. Boone, Armstead D. Carey, and Samuel Cruse be severally referred to the Committee on Public Lands.

On motion by Mr. Robinson,

The Senate proceeded, by unanimous consent, to the consideration of the nomination of George W. Thompson.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George W. Thompson, agreeably to the nomination.

On motion by Mr. Linn,

Ordered, That the message nominating Walter L. Brown be laid on the table.

On motion by Mr. Clay, of Alabama,

The Senate proceeded, by unanimous consent, to the consideration of the nomination of George W. Gayle.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George W. Gayle, agreeably to the nomination.

On motion by Mr. Hubbard,

The Senate proceeded, by unanimous consent, to the consideration of the nomination of George Bancroft.

Whereupon

Resolved, That the Senate do advise and consent to the appointment of George Bancroft, agreeably to the nomination.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 26th of December, the nomination of Patrick H. Fontaine, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Patrick H. Fontaine, agreeably to the nomination.

MONDAY, JANUARY 15, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I nominate Benjamin Franklin Hart, of New York, to be a purser in the Navy, to supply a vacancy occasioned by the death of James M. Halsey.

M. VAN BUREN.

To the Senate of the United States:

I nominate Marcus C. Ryan to be surveyor and inspector of the revenue for the port of Windsor, in the State of North Carolina, vice William Blanchard, deceased.

M. VAN BUREN.

WASHINGTON, Jan'y 9th, 1838.

To the Senate:

I nominate Samuel Champlain, of South Carolina, to be agent for the Creek tribe of Indians, vice J. W. A. Sanford, resigned.

M. VAN BUREN.

WASHINGTON, January , 1838.

To the Senate of the United States:

I nominate Henry Whately to be collector of the customs for the district and inspector of the revenue for the port of Wilmington, in the State of Delaware, from the 16th of February, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Jan'y 10th, 1838.

To the Senate of the United States:

I nominate to the Senate the following persons to the offices respectively annexed to their names:

William Durand, jr., to be surveyor of the customs and inspector of the revenue for the district of New Haven, in the State of Connecticut, from the 16th of January, 1838, when his present commission will expire.

Martin T. Morton to be collector of the customs for the district and inspector of the revenue for the port of Nantucket, in the State of Massachusetts, from the 28th Jan'y, 1838, when his present commission will expire.

Mahlon D. Canfield to be collector of the customs for the district and inspector of the revenue for the port of Great Egg Harbor, in the State of New Jersey, from the 28th January, 1838, when his present commission will expire.

Edward Palfrey to be surveyor for the district of Salem and Beverly and inspector of the revenue for the port of Salem, in the State of Massachusetts, from the 29th Jan'y, 1838, vice Joseph Noble, whose commission will expire at that date.

Alphonso Mason to be surveyor for the district and inspector of the revenue for the port of Gloucester, in the State of Massachusetts, from the 29th Jan'y, 1838, when his present commission will expire.

James G. Mowney to be surveyor and inspector of the revenue for the port of East Greenwich, in the State of Rhode Island, from the 29th Jan'y, 1838, when his present commission will expire.

William Gray to be surveyor and inspector of the revenue for the port of Port Royal, in the State of Virginia, from the 29th Jan'y, 1838, when his present commission will expire.

Samuel Brown to be naval officer for the district of Providence, in the State of Rhode Island, from the 29th Jan'y, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Jan'y 10th, 1838.

To the Senate:

I transmit to the Senate, for its constitutional action, a treaty made with the Chippewa Indians of Saganaw on the 20th of December, 1837.

M. VAN BUREN.

WASHINGTON, *January 13th, 1838.*

The messages were read.

Ordered, That the nomination of Benjamin Franklin Hart be referred to the Committee on Naval Affairs.

Ordered, That the nomination of Samuel Champlain be referred to the Committee on Indian Affairs.

Ordered, That the nominations of officers of the customs be severally referred to the Committee on Commerce.

Mr. King, from the Committee on Commerce, to whom were referred, on the 19th ultimo and 6th instant, the nominations of officers of the customs, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas L. Shaw, Robert S. Garnett, Samuel Hall, Thomas H. Jervey, Thomas S. Wayne, Robert S. Smith, Domingo Acosta, Benjamin Jones Shain, and Charles Kiddell, agreeably to their nominations respectively.

Mr. Lyon presented a letter from H. H. Sibley, stating objections to the ratification of so much of the treaty made with the Sioux Indians at the City of Washington, on the 29th of September, 1837, as provides an annuity and reservation for Scott Campbell.

Ordered, That the letter be referred to the Committee on Indian Affairs.

The treaty with the Saganaw tribe of Chippewa Indians, received with the message of this day, was read twice, by unanimous consent.

On motion by Mr. White,

Ordered, That the message, with the documents and treaty, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

THURSDAY, JANUARY 18, 1838.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I nominate John W. Campbell to be collector of customs for the district of Petersburg, in the State of Virginia, vice Charles D. McIndoe, resigned.

M. VAN BUREN.

WASHINGTON, *Jan'y 13, 1838.*

The message was read.

Ordered, That it be referred to the Committee on Commerce.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 6th instant, the nominations of land officers, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Hampton L. Boon, Armstead D. Carey, and Samuel Cruse, agreeably to their nominations respectively.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 15th instant, the nomination of Samuel Champlain, reported.

On motion by Mr. Sevier,
Ordered, That said nomination be laid on the table.

WEDNESDAY, JANUARY 24, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate to the Senate Robert M. Hamilton, of Baltimore, to be consul of the United States at Montevideo, in the oriental Republic of Uruguay.

M. VAN BUREN.

WASHINGTON, *January 20th*, 1838.

To the Senate of the United States:

I nominate Archibald W. Hyde to be collector of the customs for the district of Vermont, and inspector of the revenue for the port of Allburg, in the State of Vermont, from the 15th day of February, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Jan'y 22d*, 1838.

To the Senate of the United States:

I nominate George Holt to be collector of the customs for the district and inspector of the revenue for the port of Cherrystone, in the State of Virginia, vice Nathaniel Holland, deceased.

M. VAN BUREN.

WASHINGTON, *Jan'y 22d*, 1838.

To the Senate of the United States:

I nominate I. W. B. Greenhow, of New York, George Maulsby, of Pennsylvania, Charles J. Bates, of Massachusetts, and William A. Green, of Pennsylvania, to be assistant surgeons in the Navy.

M. VAN BUREN.

WASHINGTON, *Jan'y 23d*, 1838.

To the Senate of the United States:

I nominate D. D. Baker, now a second lieutenant, to be a first lieutenant in the Marine Corps from the 30th of December, 1837, to fill a vacancy occasioned by the resignation of Horatio N. Crabb.

M. VAN BUREN.

WASHINGTON, *Jan'y 23d*, 1838.

The messages were read.

Ordered, That the nominations of Robert M. Hamilton, Archibald W. Hyde, and George Holt be referred to the Committee on Commerce.

Ordered, That the nominations of assistant surgeons of the Navy and of D. D. Baker, be severally referred to the Committee on Naval Affairs.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 19th ultimo, the nomination of Benjamin Rush Gant, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Benjamin Rush Gant, agreeably to the nomination.

On motion by Mr. White,

Ordered, That the treaty with the Saganaw tribe of Chippewa Indians, concluded at Detroit, in Michigan, on the 14th of January, 1837, which was postponed on the 2d of March, 1837, be referred to the Committee on Indian Affairs, to whom was referred on the 15th instant the treaty made with the said Indians at Flint River, in Michigan, on the 20th of December, 1837.

WEDNESDAY, JANUARY 31, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate to the Senate George P. Todsen to be consul of the United States at Altona, in the Kingdom of Denmark; and

I. Florentius Cox to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, January 24th, 1838.

To the Senate of the United States:

I renominate John K. Coxe to be a lieutenant in the Navy from the 16th day of February, 1837.

M. VAN BUREN.

WASHINGTON, Jan'y 23d, 1838.

To the Senate of the United States:

I nominate William H. Brewster, of Connecticut, to be a second lieutenant in the Marine Corps.

M. VAN BUREN.

WASHINGTON, Jan'y 24th, 1838.

To the Senate of the United States:

I renominate Edmund L. Dubarry, of Pennsylvania, to be a surgeon in the Navy from the 9th of March last, to take rank next after William F. Patton, he, the said Dubarry, having already served three years, five months, and twelve days as surgeon in the Navy; but his re-appointment is not to give him any advantage as to pay or rank for the time he has been out of the service, anterior to the said 9th of March.

M. VAN BUREN.

WASHINGTON, Jan'y 23d, 1838.

Gentlemen of the Senate:

I nominate for your advice and consent the following persons to be deputy postmasters at the several places named, the commissions allowed to each of the postmasters having exceeded one thousand dollars for the year ending on the 30th of June, 1837, viz:

Erastus W. Drury, at Middlebury, Vermont.

Albert Morgan, at Springfield, Massachusetts.

William L'Hommedieu, at Norwich, Connecticut.

John W. Evans, at Lewiston, New York.

Benjamin H. Mace, at Newburgh, New York.

Jedediah Fay, at Owego, New York.
 John A. Perrine, at Princeton, New Jersey.
 Joseph Cunningham, at Trenton, New Jersey.
 Benjamin B. Johnson, at Frankfort, Kentucky.
 James J. Godfroy, at Monroe, Michigan.
 Clement P. McDaniel, at Clinton, Mississippi.
 Andrew C. Hays, at Columbia, Tennessee.

M. VAN BUREN.

To the Senate of the United States:

I nominate Henry Smith to be receiver of public moneys for the district of lands subject to sale at Vandalia, in the State of Illinois, vice William Linn, resigned.

M. VAN BUREN.

WASHINGTON, Jan'y 27th, 1838.

To the Senate of the United States:

I recall the nomination of Walter L. Brown to be receiver of public moneys for the district of lands subject to sale at Springfield, in the State of Missouri, and nominate Robert T. Brown for said office.

M. VAN BUREN.

WASHINGTON, Jan'y 26th, 1838.

I nominate to the Senate Enos T. Throop, of New York, to be chargé d'affaires of the United States near His Majesty the King of the Kingdom of the Two Sicilies.

M. VAN BUREN.

WASHINGTON, Jan'y 29th, 1838.

To the Senate of the United States:

I nominate Jesse Hoyt to be collector of the customs for the district of New York, in the State of New York, from the 29th day of March, 1838, vice Samuel Swartwout, whose commission will then expire.

William S. Coe to be naval officer for the district of New York, in the State of New York, vice Enos T. Throop, nominated chargé d'affaires to Naples.

Abraham B. Vanderpoel to be appraiser of goods for the port of New York, in the State of New York, vice William S. Coe, nominated to be naval officer.

M. VAN BUREN.

JANUARY 29th, 1838.

To the Senate of the United States:

I nominate Samuel Learned to be collector of the customs for the district of Pearl River, and inspector of the revenue for the port of Pearlington, in the State of Mississippi, vice P. R. R. Pray, resigned.

M. VAN BUREN.

WASHINGTON, Jan'y 30th, 1838.

To the Senate of the United States:

I nominate Thomas E. Hopkins to be register of the land office for the district of lands subject to sale at Jackson, in the State of Mississippi, vice Thomas L. Sumrall, resigned.

M. VAN BUREN.

WASHINGTON, Jan'y 30th, 1838.

To the Senate of the United States:

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively affixed to their names:

David Hoge to be register of the land office for the district of lands subject to sale at Steubenville, in the State of Ohio, from the 19th day of February, 1838.

William Edmondson to be receiver of public moneys for the district of lands subject to sale at Pontotoc, in the State of Mississippi, from the 21st day of February, 1838.

M. VAN BUREN.

WASHINGTON, Jan'y 30th, 1838.

The messages were read.

Ordered, That the nomination of George P. Todsen be referred to the Committee on Commerce.

Ordered, That the nomination of I. Florentius Cox be referred to the Committee on the District of Columbia.

Ordered, That the nominations of John R. Coxe, jr., William H. Brewster, and Edmund L. Dubarry, be severally referred to the Committee on Naval Affairs.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of James J. Godfroy.

Resolved, That the Senate advise and consent to the appointment of James J. Godfroy, agreeably to the nomination.

Ordered, That the other nominations of deputy postmasters be severally referred to the Committee on the Post-Office and Post-Roads.

Mr. Niles, from the said committee, reported the nomination of William L'Hommedieu.

The Senate proceeded, by unanimous consent, to the consideration of said nomination.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William L'Hommedieu, agreeably to the nomination.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Henry Smith.

On motion by Mr. Robinson,

Resolved, That the Senate advise and consent to the appointment of Henry Smith, agreeably to the nomination.

Ordered, That the nominations of Robert T. Brown, Thomas H. Hopkins, David Hoge, and William Edmondson, be severally referred to the Committee on Public Lands.

Ordered, That the nomination of Enos T. Throop be referred to the Committee on Foreign Relations.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Jesse Hoyt, William S. Coe, Abraham B. Vanderpoel, and Samuel Learned.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of Jesse Hoyt, William S. Coe, Abraham B. Vanderpoel, and Samuel Learned, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom were referred, on the 15th, 18th, and 24th instant, the nominations of officers of the customs, reported them severally, with the exception of Edward Palfrey and George Holt.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Marcus C. Ryan, Henry Whately, William Durand, jr., Martin T. Morton, Mahlon D. Canfield, Alphonso Mason, James G. Mowney, William Gray, Samuel Brown, John W. Campbell, and Archibald Hyde, agreeably to their nominations respectively.

TUESDAY, FEBRUARY 6, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I nominate Henry A. Muhlenberg, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States to Austria.

John Randolph Clay to be secretary to the legation to Austria.

Washington G. Singleton to be attorney of the United States for the western district of Virginia, from the 21st of February, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *February 1st, 1838.*

I nominate to the Senate Richard W. Greene to be attorney of the United States for the district of Rhode Island, from the tenth day of February, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *February 1st, 1838.*

To the Senate of the United States:

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively affixed to their names, viz:

George Brent to be collector of the customs for the district of Alexandria, in the District of Columbia, from the 16th of February, 1838.

John P. Norton to be collector of the customs for the district and inspector of the revenue for the port of Edgartown, in the State of Massachusetts, from the 19th of February, 1838.

Thomas H. Blount to be collector of the customs for the district and inspector of the revenue for the port of Washington, in the State of North Carolina, from the 19th day of February, 1838.

John McNeil to be surveyor for the district of Boston and Charlestown and inspector of the revenue for the port of Boston, in the State of Massachusetts, from the 29th of January, 1838.

Peter Dixey to be collector of the customs for the district of Marblehead, in the State of Massachusetts, from the 19th of February, 1838.

M. VAN BUREN.

WASHINGTON, *Jan'y 31st, 1838.*

To the Senate of the United States:

I nominate Francis A. Gregory, now a commander, to be a captain in the Navy from this date.

M. VAN BUREN.

WASHINGTON, *Jan'y 31st, 1838.*

To the Senate of the United States:

I nominate David Robb to be register of the land office for the district of lands subject to sale at Zanesville, in the State of Ohio, vice Samuel A. Barker, resigned, to take effect on the 31st of March next.

M. VAN BUREN.

JANUARY 30th, 1838.

The messages were read.

Ordered, That the nominations of Henry A. Muhlenberg and John Randolph Clay be referred to the Committee on Foreign Relations.

Ordered, That the nominations of Washington G. Singleton and Richard W. Greene be referred to the Committee on the Judiciary.

Ordered, That the nominations of officers of the customs be referred to the Committee on Commerce.

Ordered, That the nomination of Francis H. Gregory be referred to the Committee on Naval Affairs.

Ordered, That the nomination of David Robb be referred to the Committee on Public Lands.

Mr. Roane, from the Committee on the District of Columbia, to whom was referred, on the 31st ultimo, the nomination of I. Florentius Cox, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of I. Florentius Cox, agreeably to the nomination.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 31st ultimo, the nomination of Enos T. Throop, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Enos T. Throop, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 31st ultimo, the nomination of George Holt, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George Holt, agreeably to the nomination.

THURSDAY, FEBRUARY 8, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate to the Senate Henry P. Marshall to be consul of the United States for the port of Muscat, in the dominions of the Imam of Muscat.

M. VAN BUREN.

WASHINGTON, February 3d, 1838.

To the Senate of the United States:

I nominate R. G. Greene to be surveyor for the district of Portland and Falmouth and inspector of the revenue for the port of Portland, in the State of Maine, vice John W. Smith, whose commission will expire on the 15th of the present month.

M. VAN BUREN.

WASHINGTON, Feb'y 2d, 1838.

To the Senate of the United States:

I nominate Benjamin Macomber, now a first lieutenant, to be a captain in the Marine Corps, from the 18th of January, 1838, to supply a vacancy occasioned by the death of Charles C. Tupper.

Archibald H. Gillespie, now a second lieutenant, to be a first lieutenant in the Marine Corps, from the 18th of January, 1838, to supply the vacancy created by the promotion of Benjamin Macomber.

Austin W. Allen, of Louisiana, to be a second lieutenant in the Marine Corps, to supply a vacancy caused by the promotion of Archibald H. Gillespie.

Joseph W. Dwyer, of Tennessee, to be a purser in the Navy.

Horatio Bridge, of Maine, to be a purser in the Navy.

M. VAN BUREN.

WASHINGTON, Feb'y 7th, 1838.

The messages were read.

Ordered, That the nominations of Henry P. Marshall and R. G. Greene be severally referred to the Committee on Commerce.

Mr. King, from that committee, reported the nomination of R. G. Greene.

The Senate proceeded, by unanimous consent, to the consideration of said nomination.

Whereupon

Resolved, That the Senate advise and consent to the appointment of R. G. Greene, agreeably to the nomination.

Ordered, That the nominations of officers of the Marine Corps and pursers in the Navy be referred to the Committee on Naval Affairs.

Mr. Buchanan, from the Committee on Foreign Relations, to whom were referred, on the 6th instant, the nominations of Henry A. Muhlenberg and John Randolph Clay, reported.

The Senate proceeded to the consideration of the nomination of Henry A. Muhlenberg.

On the question, Will the Senate advise and consent to the appointment of Henry A. Muhlenberg?

It was determined in the affirmative,	{	Yea.....	33
		Nay.....	6

On motion by Mr. Clay, of Kentucky,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Nowell, Pierce, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Tallmadge, Tipton, Walker, Wall, Wright, Young.

Those who voted in the negative are,

Messrs. Clay of Kentucky, Crittenden, McKean, Merrick, Spencer, White.

So it was

Resolved, That the Senate advise and consent to the appointment of Henry A. Muhlenberg, agreeably to the nomination.

The Senate proceeded to the consideration of the nomination of John Randolph Clay.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Randolph Clay, agreeably to the nomination.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 26 of December and the 15th and 24th of January last, the nominations of John C. Spencer, John Thomas, Benjamin Franklin Hart, and D. D. Baker, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John C. Spencer, John Thomas, Benjamin Franklin Hart, and D. D. Baker, agreeably to their nominations respectively.

Mr. Robinson, from the Committee on the Post Office and Post-Roads, to whom were referred, on the 31st of January, the nominations of deputy postmasters, reported those not reported and confirmed on that day.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Erastus W. Drury, Albert Morgan, John W. Evans, Benjamin H. Mace, Jedediah Fay, John A. Perrine, Joseph Cunningham, Benjamin B. Johnson, Clement P. McDaniel, and Andrew C. Hays, agreeably to their nominations respectively.

MONDAY, FEBRUARY 12, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I nominate Thomas Turner to be collector of the customs for the district and inspector of the revenue for the port of Georgetown, in the District of Columbia, from the 1st of March, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Feb'y 12th, 1838.

To the Senate of the United States:

I nominate David V. Culley to be register of the land office for the district of lands subject to sale at Indianapolis, in the State of Indiana, vice Arthur St. Clair, resigned, to take effect on the 1st of March, 1838.

M. VAN BUREN.

WASHINGTON, Feb'y 9th, 1838.

The messages were read.

Ordered, That the nomination of Thomas Turner be referred to the Committee on Commerce.

Ordered, That the nomination of David V. Culley be referred to the Committee on Public Lands.

Mr. King, from the Committee on Commerce, to whom were referred, on the 24th and 31st of January and on the 6th and 8th instant, the nominations of Robert M. Hamilton, George P. Todsen, Peter Dixey, and Henry P. Marshall, reported.

The Senate proceeded to consider the said nominations, with the exception of that of George P. Todsen.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Robert M. Hamilton, Peter Dixey, and Henry P. Marshall, agreeably to their nominations respectively.

THURSDAY, FEBRUARY 15, 1838.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 6th instant, the nominations of Washington G. Singleton and Richard W. Greene, reported.

Whereupon,

Resolved, That the Senate advise and consent to the appointment of

Washington G. Singleton and Richard W. Greene, agreeably to their nominations respectively.

On motion by Mr. McKean,

Ordered, That the injunction of secrecy be removed from the proceedings of the Senate on the nomination of Henry A. Muhlenberg.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred, on the 6th instant, the nomination of Francis H. Gregory, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Francis H. Gregory, agreeably to the nomination.

FRIDAY, FEBRUARY 16, 1838.

Mr. White, from the Committee on Indian Affairs, to whom were referred, on the 19th of December last, treaties with the following Indian tribes, viz:

The Kioway, Kataka, and Ta-wa-ka-ro Nations;

The Yaneton tribe of Sioux;

The Sacs and Foxes of Missouri;

The Iowas; and

The confederated tribes of Sacs and Foxes, reported them severally, with the following amendments to the last-mentioned treaty, viz:

Article 2, paragraph fifth, strike out the word "fourteen" (\$14,000), and insert *twenty-four* (\$24,000).

Strike out the sixth paragraph in the following words:

"Sixth. To supply them with provisions to the amount of five thousand dollars (\$5,000) a year for two years."

Change the remaining paragraphs of Article 2 to read *sixth, seventh, eighth*.

These treaties were severally read the second time, and the four first mentioned were considered, as in Committee of the Whole; and no amendment having been made thereto, they were severally reported to the Senate.

Mr. White submitted the following resolution:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the treaty of peace and friendship between the United States of America and the chiefs, headmen, and representatives of the Kioway, Kataka, and To wa-ka-ro Nations of Indians, concluded at Fort Gibson on the 26th of May, 1837.

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative,	Yea	29
	Nay	1

Those who voted in the affirmative are,

Messrs. Allen, Bayard, Benton, Brown, Buchanan, Cuthbert, Fulton, King, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Robinson, Sevier, Smith of Indiana, Spence, Strange, Swift, Tipton, Walker, Wall, White, Williams, Young.

And Mr. Davis voted in the negative.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. White submitted the following resolution:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the treaty made at the city

of Washington between Carey A. Harris, thereto specially authorized by the President of the United States and the Yancton tribe of Sioux Indians, by their chiefs and delegates on the 21st of October, 1837.

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, yeas 29.

Those who voted are,

Messrs. Allen, Bayard, Benton, Brown, Buchanan, Cuthbert, Fulton, King, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Roane, Robinson, Sevier, Smith of Indiana, Spence, Strange, Swift, Tallmadge, Tipton, Walker, Wall, White, Williams, Young.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. White submitted the following resolution :

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty made at the city of Washington between Carey A. Harris, thereto specially authorized by the President of the United States, and the Sacs and Foxes of Missouri by their chiefs and delegates on the 21st of October, 1837.

The Senate proceeded to consider the resolution, by unanimous consent,

On the question to agree thereto,

It was determined in the affirmative, yeas 27.

Those who voted are,

Messrs. Allen, Benton, Brown, Buchanan, Cuthbert, Fulton, King, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Robinson, Sevier, Smith of Indiana, Spence, Strange, Swift, Tipton, Walker, Wall, White, Williams.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. White submitted the following resolution :

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty made at the city of St. Louis between Joshua Pelcher, thereto specially authorized by the President of the United States and the Ioways Indians by their chiefs and delegates on the 23d of November, 1837.

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was decided in the affirmative, yeas 30.

Those who voted are,

Messrs. Allen, Bayard, Benton, Brown, Buchanan, Cuthbert, Fulton, King, Knight, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Robinson, Sevier, Smith of Indiana, Spence, Strange, Swift, Tipton, Walker, Wall, White, Williams, Young.

Ordered, That the Secretary lay this resolution before the President of the United States.

The treaty with the confederated tribes of Sacs and Foxes, together with the amendments reported thereto, were considered, as in Committee of the Whole; and the amendments having been agreed to, the treaty with the amendments were reported to the Senate.

On the question, Shall the words proposed to be stricken out stand as part of the second article?

It was determined in the negative, nays 27.

Those who voted are,

Messrs. Allen, Bayard, Brown, Buchanan, Cuthbert, Fulton, King, Linn, Lumpkin, Lyon, McKean, Nicholas, Norvell, Rives, Roane, Rob-

nson, Sevier, Smith of Indiana, Spence, Strange, Swift, Tipton, Walker, Wall, White, Williams, Young.

On the question, Shall the words proposed to be inserted form part of the second article?

It was determined in the affirmative, yeas 29.

Those who voted are,

Messrs. Allen, Bayard, Benton, Brown, Buchanan, Cuthbert, Fulton, King, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Robinson, Sevier, Smith of Indiana, Spence, Strange, Swift, Tipton, Walker, Wall, White, Williams, Young.

No further amendment having been made,

Mr. White submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty made at the city of Washington, between Carey A. Harris, Commissioner of Indian Affairs, thereto authorized by the President of the United States, and the confederated tribes of Sacs and Foxes, by their chiefs and delegates, on the 21st of October, 1837, with the following amendments:

Article 2, paragraph fifth, strike out the word "fourteen" (\$14,000), and insert *twenty-four* (\$24,000).

Article 2, strike out the sixth paragraph, in the following words:

"Sixth. To supply them with provisions to the amount of five thousand dollars (\$5,000) a year for two years."

Change the remaining paragraphs of article 2 to read *sixth, seventh, eighth.*

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, yeas 29.

Those who voted are,

Messrs. Allen, Bayard, Benton, Brown, Buchanan, Cuthbert, Fulton, King, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Norvell, Rives, Roane, Robinson, Sevier, Smith of Indiana, Spence, Strange, Swift, Tipton, Walker, Wall, White, Williams, Young.

Ordered, That the Secretary lay this resolution before the President of the United States.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I renominate Samuel W. Downing, now a lieutenant, to be a commander in the Navy, from September 23d, 1837, to supply a vacancy occasioned by the death of George Budd.

William Chandler and John A. Russ, now passed midshipman, to be lieutenants in the Navy, from September 23d, 1837, to supply vacancies occasioned by the promotion of Lieutenant Downing and resignation of Lieutenant Gillet.

M. VAN BUREN.

WASHINGTON, Feb'y 16th, 1838.

To the Senate:

GENTLEMEN: I nominate for your advice and consent Peter W. Gau-tier, jun'r, to be marshal of the western district of Florida, in the place of James W. Exeum, deceased.

M. VAN BUREN.

To the Senate of the United States:

I nominate Daniel Sherwood to be naval officer for the district of Wilmington, in the State of North Carolina, vice John D. Jones, resigned.

M. VAN BUREN.

WASHINGTON, *Feb'y 15th, 1838.*

The messages were read.

Ordered, That the nomination of Peter W. Gautier, jun'r, be referred to the Committee on the Judiciary.

Ordered, That the nomination of Daniel Sherwood be referred to the Committee on Commerce.

The Senate proceeded, by unanimous consent, to the consideration of the nominations of Samuel W. Downing, William Chandler, and John A. Russ.

On motion by Mr. Rives,

Resolved, That the Senate advise and consent to the appointment of Samuel W. Downing, William Chandler, and John A. Russ, agreeably to their nominations respectively.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 8th instant, the nominations of Benjamin Macomber, Archibald H. Gillespie, Austin W. Allen, and Horatio Bridge, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Benjamin Macomber, Archibald H. Gillespie, Austin W. Allen, and Horatio Bridge, agreeably to their nominations respectively.

TUESDAY, FEBRUARY 20, 1838.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

To the Senate of the United States:

I nominate James N. Barker to be First Comptroller of the Treasury, vice George Wolf, resigned, to take effect after the 1st of March next.

M. VAN BUREN.

WASHINGTON, *Feb'y 15th, 1838.*

To the Senate of the United States:

I nominate George Wolf to be collector of the customs for the district of Philadelphia, in the State of Pennsylvania, vice James N. Barker, nominated for the office of First Comptroller of the Treasury, to take effect after the 1st of March next.

George W. Riter to be surveyor for the district and inspector of the revenue for the port of Philadelphia, in the State of Pennsylvania, vice William Duncan, whose commission will expire on the 23d of March, 1838.

John Horn to be naval officer for the district of Philadelphia, in the State of Pennsylvania, vice John Pemberton, whose commission will expire on the 23d of March next.

M. VAN BUREN.

WASHINGTON, *Feb'y 15th, 1838.*

To the Senate of the United States:

I nominate Isaac McFarran to be receiver of public moneys for the district of lands subject to sale at Jackson, in the State of Mississippi, vice Samuel T. Scott, removed.

M. VAN BUREN.

WASHINGTON, *Feb'y 16th, 1838.*

I nominate to the Senate Richard M. Woods, of Tennessee, to be marshal of the United States for the eastern district of Tennessee, from the 18th day of March, 1838, when the commission of the present marshal will expire.

M. VAN BUREN.

DEPARTMENT OF STATE, *February 16th, 1838.*

To the Senate of the United States:

A commission having been granted during the recess of the Senate to Denny McCobb to be collector of the customs for the district and inspector of the revenue for the port of Waldoboro', in the State of Maine, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, *Feby 19th, 1838.*

To the Senate:

I transmit, for your constitutional action, articles of a treaty concluded on the 23d ultimo with the Chippewas of Saganaw, accompanied by a communication from the Secretary of War.

M. VAN BUREN.

WASHINGTON, *February 17th, 1838.*

To the Senate:

I transmit, for your consideration, a communication from the Secretary of War respecting a treaty now before you, with the Stockbridge and Munsee Indians.

M. VAN BUREN.

WASHINGTON, *February 17th, 1838.*

The messages were read.

Ordered, That the nomination of James N. Barker be referred to the Committee on Finance.

Ordered, That the nominations of George Wolf, George W. Riter, and John Horn be referred to the Committee on Commerce.

Ordered, That the nomination of Isaac McFarran be referred to the Committee on Public Lands.

Ordered, That the nomination of Richard M. Woods be referred to the Committee on the Judiciary.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Denny McCobb.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of Denny McCobb, agreeably to the nomination.

The treaty with the Chippewa Indians of Saganaw was read; and,

Ordered, That the said treaty, with the message and documents received with the same this day, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

Ordered, That the message with documents from the Department of War in relation to the treaty with the Stockbridge and Munsee Indians, which was communicated to the Senate on the 25th of January and on the 25th of February, 1837, postponed to the next session of Congress, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

On motion by Mr. King,

The Senate resumed the consideration of the nomination of George P. Todsen.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George P. Todsen, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 6th, 12th, and 16th instant, the nominations of George Brent, John P. Norton, Thomas H. Blount, John McNeil, Thomas Turner, and Daniel Sherwood, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George Brent, John P. Norton, Thomas H. Blount, John McNeil, Thomas Turner, and Daniel Sherwood, agreeably to their nominations respectively.

Mr. Tallmadge, from the Committee on Naval Affairs, to whom was referred, on the 8th instant, the nomination of Joseph W. Dwyer, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Joseph W. Dwyer, agreeably to the nomination.

FRIDAY, FEBRUARY 23, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate:

I withdraw the nomination of Samuel Champlain for the office of agent for the Creek tribe of Indians, and nominate in his stead James Logan, of Arkansas.

M. VAN BUREN.

WASHINGTON, *February 22d*, 1838.

To the Senate of the United States:

I nominate Henry Simpson to be appraiser of goods for the port of Philadelphia, in the State of Pennsylvania, vice Samuel Ross, removed.

M. VAN BUREN.

WASHINGTON, *Feb'y 20th*, 1838.

To the Senate of the United States:

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, *20th February*, 1838.

WAR DEPARTMENT, *20th February*, 1838.

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for regular promotion and persons for appointment in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, 20th February, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Second Regiment of Dragoons.

First Lieutenant Erasmus D. Bullock to be captain, 29th January, 1838, vice Graham, resigned.

Second Lieutenant Nath'l W. Hunter to be first lieutenant, 31st December, 1837, vice Forsyth, resigned.

Second Regiment of Artillery.

Second Lieutenant Samuel J. Bransford to be first lieutenant, 14th December, 1837, vice Adams, deceased.

Second Lieutenant Barnabas Conkling to be first lieutenant, 31st December, 1837, vice Kibby, resigned.

First Regiment of Infantry.

Second Lieutenant John Beach to be first lieutenant, 31st December, 1837, vice Wilson, resigned.

Third Regiment of Infantry.

Brevet Major Nathaniel Young, captain of the 7th Regiment of Infantry, to be major, 25th December, 1837, vice Fowle, promoted.

Sixth Regiment of Infantry.

Major John Fowle, of the 3d Regiment of Infantry, to be lieutenant-colonel, 25th December, 1837, vice Thompson, killed.

First Lieutenant Joseph D. Searight to be captain, 25th December, 1837, vice Swearengen, killed.

First Lieutenant William Hoffman to be captain, 1st February, 1838, vice Nute, resigned.

Second Lieutenant William S. Ketchum to be 1st lieutenant, 25th December, 1837, vice Searight, promoted.

Second Lieutenant Samuel Woods to be first lieutenant, 25th December, 1837, vice Brooke, killed.

Second Lieutenant John B. S. Todd to be first lieutenant, 25th December, 1837, vice Center, killed.

Second Lieutenant William H. T. Walker to be first lieutenant, 1st February, 1838, vice Hoffman, promoted.

Seventh Regiment of Infantry.

First Lieutenant Gabriel I. Rains to be captain, 25th December, 1837, vice Young, promoted.

Second Lieutenant Henry McKavett to be first lieutenant, 25th December, 1837, vice Rains, promoted.

James S. Sanderson, late sergeant-major, to be 2d lieutenant, vice McKavett, promoted.

Military Academy.

First Lieutenant Albert E. Church, of the Third Regiment of Artillery, to be professor of mathematics, 1st June, 1837, vice Davies, resigned.

J. N. MACOMB,
A. A. Gen'l.

Respectfully submitted to the Secretary of War.

A. MACOMB,
Maj. General Commanding in Chief.

To the Senate:

I nominate William M. Price, of the city of New York, to be district attorney for the southern district of New York for four years from the 8th of April next, when his present commission expires.

M. VAN BUREN.

WASHINGTON, Feb. 22d, 1838.

To the Senate of the United States:

I nominate Henry W. Ogden, now a lieutenant, to be a commander in the Navy from the 31st of January, 1838, to supply a vacancy occasioned by the promotion of Fra's H. Gregory.

Richard W. Méade, now a passed midshipman, to be a lieutenant in the Navy from the 20th of December, 1837, to take rank next after John R. Tucker.

M. VAN BUREN.

WASHINGTON, Feb'y 20th, 1838.

To the Senate of the United States:

I nominate George Clymer, Isaac Brinckerhoff, William M. Wood, J. Vaughan Smith, Jones W. Plummer, Geo. B. McKnight, Solomon Sharp, Daniel Egbert, Amos G. Gambrill, and Wm. A. W. Spotswood, now passed assistant surgeons, to be surgeons in the Navy from this date.

William Grier, of Maryland, Edwin H. Conway, of Virginia, J. Winthrop Taylor, of New Jersey, James Monroe Minor, of Virginia, Buckner T. McGill, of Virginia, Philemon Baker, of New Jersey, to be assistant surgeons in the Navy.

M. VAN BUREN.

WASHINGTON, Feb'y 20th, 1838.

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of James Logan.

On motion by Mr. Sevier,

Resolved, That the Senate advise and consent to the appointment of James Logan, agreeably to the nomination.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Henry Simpson.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of Henry Simpson, agreeably to the nomination.

Ordered, That the nominations for promotions and appointments in the Army be referred to the Committee on Military Affairs.

Ordered, That the nomination of William M. Price be referred to the Committee on the Judiciary.

Ordered, That the nominations for promotions and appointments in the Navy be referred to the Committee on Naval Affairs.

Mr. Grundy, from the Committee on the Judiciary, to whom was referred, on the 16th instant, the nomination of Peter W. Gautier, jun'r, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Peter W. Gautier, jun'r, agreeably to the nomination.

Mr. Wright, from the Committee on Finance, to whom was referred, on the 20th instant, the nomination of James N. Barker, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of James N. Barker, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 20th instant, the nominations of George Wolf, George W. Riter, and John Horn, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George Wolf, George W. Riter, and John Horn, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 31st of January last, the nomination of Thomas H. Hopkins, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas H. Hopkins, agreeably to the nomination.

THURSDAY, MARCH 1, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Danforth N. Barney to be collector of the customs for the district and inspector of the revenue for the port of Sackett's Harbor, in the State of New York, vice Thomas Loomis, whose commission will expire on the 3d of March, 1838.

M. VAN BUREN.

WASHINGTON, Feb'y 26th, 1838.

To the Senate of the United States :

I nominate Jere Carrier to be collector of the customs for the district and inspector of the revenue for the port of Cape Vincent, in the State of New York, from the 23d of March, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Feb'y 26th, 1838.

To the Senate of the United States :

I nominate for reappointment the following officers of the customs, whose commissions expire at the dates respectively affixed to their names, viz :

Robert Digges to be surveyor and inspector of the revenue for the port of Nanjemoy, in the State of Maryland, from the 3d of March, 1838.

William Willard to be surveyor and inspector of the revenue for the port of Saybrook, in the State of Connecticut, from the 12th of March, 1838.

Aaron Foster to be surveyor and inspector of the revenue for the port of Beverly, in the State of Massachusetts, from the 15th of March, 1838.

Rowland H. Bridgham to be collector of the customs for the district of Penobscot and inspector of the revenue for the port of Castine, in the State of Maine, from the 19th of March, 1838.

M. VAN BUREN.

WASHINGTON, *Feb'y 26th, 1838.*

I nominate to the Senate Charles D. Hammond, of Georgia, to be marshal for the district of Georgia, in the place of Peter Solomon, resigned.

M. VAN BUREN.

WASHINGTON, *February 26th, 1838.*

To the Senate of the United States:

I nominate Samuel Milroy to be receiver of public moneys for the district of lands subject to sale at Crawfordsville, in the State of Indiana, vice James T. Pollock, removed.

M. VAN BUREN.

WASHINGTON, *Feb'y 26th, 1838.*

To the Senate of the United States:

I nominate Charles Humphreys to be receiver of public moneys for the district of lands subject to sale at Marietta, in the State of Ohio, vice David C. Skinner, whose commission will expire on the 25th of March, 1838.

M. VAN BUREN.

WASHINGTON, *Feb'y 27th, 1838.*

I nominate to the Senate John Cox to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *February 27th, 1838.*

To the Senate of the United States:

I nominate George W. Clinton to be collector of the customs for the district and inspector of the revenue for the port of Buffalo Creek, in the State of New York, vice Pierre A. Barker, whose commission will expire on the 22d of March, 1838.

John McDonell to be collector of the customs for the district and inspector of the revenue for the port of Detroit, in the State of Michigan, vice Andrew Mack, whose commission will expire on the 23d of March, 1838.

M. VAN BUREN.

Also, George H. McWhorter to be collector of the customs for the district and inspector of the revenue for the port of Oswego, in the State of New York, from the 2d of May, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 1, 1838.*

To the Senate of the United States:

I nominate John H. Clack, Philip F. Voorhees, and Benjamin Cooper, now commanders, to be captains in the Navy from this date.

Ebenezer Ridgeway, Thos. A. Conover, John C. Long, John H. Graham, James Mc. McIntosh, Josiah Tattnall, and Hugh N. Page, now lieutenants in the Navy, to be commanders in the Navy from this date.

George Minor, Percival Drayton, William Preston Griffin, Oliver Tod, Robert F. Pinkney, Thomas R. Rootes, Edward M. Yard, James T. McLaughlin, James M. Gilliss, Alexander Gibson, William S. Young, William W. Bleecker, Joseph F. Green, Algernon S. Worth, Zachariah Holland, John De Camp, and Bushrod W. Hunter, now passed midshipmen, to be lieutenants in the Navy from this date.

M. VAN BUREN.

WASHINGTON, *February 28th, 1838.*

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nominations of Jere Carrier, Robert Digges, William Willard, Aaron Foster, and Rowland H. Bridgham.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of Jere Carrier, Robert Digges, William Willard, Aaron Foster, and Rowland H. Bridgham, agreeably to their nominations respectively.

Ordered, That the nomination of Charles D. Hammond be referred to the Committee on the Judiciary.

Ordered, That the nominations of Samuel Milroy and Charles Humphreys be referred to the Committee on Public Lands.

Ordered, That the nomination of John Cox be referred to the Committee on the District of Columbia.

Ordered, That the nominations of Danforth N. Barney, George W. Clinton, John McDonell, and George H. McWhorter be referred to the Committee on Commerce.

Ordered, That the nominations for promotions in the Navy be referred to the Committee on Naval Affairs.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 31st of January and the 6th and 12th of February last, the nominations of Robert T. Brown, David Hoge, David Robb, and David V. Culley, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Robert T. Brown, David Hoge, David Robb, and David V. Culley, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 23d of February last, the nominations for promotions and appointments in the Army received that day, reported.

Whereupon

Resolved, That the Senate advise and consent to the said promotions and appointments, agreeably to the nominations respectively.

SATURDAY, MARCH 3, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Nathaniel M. Lowney to be collector of the customs for the district and inspector of the revenue for the port of Belfast, in the State of Maine, vice Daniel Lane, removed.

M. VAN BUREN.

WASHINGTON, *Feb'y 24th, 1838.*

To the Senate of the United States:

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively affixed to their names:

Jacob Gould to be collector of the customs for the district of Genesee and inspector of the revenue for the port of Rochester, in the State of New York, from the 23d of March, 1838, when his present commission will expire.

Seymour Scovell to be collector of the customs for the district of Niagara and inspector of the revenue for the port of Lewiston, in the State of New York, from the 23d of March, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 1, 1838.*

To the Senate of the United States:

I nominate John G. Mauney to be surveyor and inspector of the revenue for the port of East Greenwich, in the State of Rhode Island, from the 29th of January, 1838, when his former commission expired. Mr. Mauney was nominated on the 10th of January and confirmed by the Senate on the 29th of the same, with a mistake in his Christian name of James for John.

M. VAN BUREN.

WASHINGTON, *March 2d, 1838.*

To the Senate of the United States:

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively affixed to their names:

Joseph S. Lake to be register of the land office for the district of lands subject to sale at Wooster, in the State of Ohio, from the 25th of March, 1838.

John Coates to be receiver of public moneys for the district of lands subject to sale at Chillicothe, in the State of Ohio, from the 25th of March, 1838.

John Taylor to be receiver of public moneys for the district of lands subject to sale at Springfield, in the State of Illinois, from the 25th of March, 1838.

James C. Sloo to be register of the land office for the district of lands subject to sale at Shawneetown, in the State of Illinois, from the 25th of March, 1838.

M. VAN BUREN.

WASHINGTON, *March 2d, 1838.*

The messages were read.

Ordered, That the nominations of Nathaniel M. Lowney, Jacob Gould, and Seymour Scovell be referred to the Committee on Commerce.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of John G. Mauney.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of John G. Mauney, agreeably to the nomination.

Ordered, That the nominations of Joseph S. Lake, John Coates, John Taylor, and James C. Sloo be referred to the Committee on Public Lands.

Mr. Grundy, from the Committee on the Judiciary, to whom was re-

ferred, on the 1st instant, the nomination of Charles D. Hammond, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Charles D. Hammond, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 15th of January last, the nomination of Edward Palfrey, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Edward Palfrey, agreeably to the nomination.

On motion by Mr. White,

Ordered, That the treaty between the United States of America and the Stockbridge and Munsee Indians, concluded at Green Bay, Wisconsin Territory, on the 19th of September, 1836, which was postponed on the 25th of February, 1837, be referred to the Committee on Indian Affairs, to whom was referred, on the 20th of February last, the message from the President and documents relating to the said treaty.

MONDAY, MARCH 5, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Solomon Clark to be receiver of public moneys for the district of lands subject to sale at Pontotoc, in the State of Mississippi, vice William Edmondson, deceased.

M. VAN BUREN.

WASHINGTON, *March 1, 1838.*

I nominate to the Senate John E. Ward to be attorney of the United States for the district of Georgia, in the place of William H. Stiles, resigned.

M. VAN BUREN.

WASHINGTON, *March 2d, 1838.*

To the Senate of the United States:

I nominate Gabriel I. Floyd to be collector of the customs and inspector of the revenue for the district and port of Apalachicola, in the Territory of Florida, from the 23d of March, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 3d, 1838.*

To the Senate of the United States:

I nominate Olmstead Hough to be register of the land office for the district of lands subject to sale at Detroit, in the State of Michigan, vice Thomas Hunt, deceased.

M. VAN BUREN.

WASHINGTON, *March 3d, 1838.*

To the Senate of the United States:

I nominate Leonard Jarvis, of Boston, to be Navy agent for the port of Boston, in place of Daniel D. Brodhead, resigned.

M. VAN BUREN.

WASHINGTON CITY, *5th March, 1838.*

To the Senate of the United States:

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively affixed to their names, viz:

Aaron Ogden to be assistant collector of the customs for the district of New York, to reside at Jersey City, in the State of New Jersey, from the 23d of March, 1838.

James E. Gibble to be collector of the customs for the district and inspector of the revenue for the port of Beaufort, in the State of North Carolina, from the 23d of March, 1838.

James McGuire to be surveyor and inspector of the revenue for the port of Alexandria, in the District of Columbia, from the 23d of March, 1838.

Samuel Phillips to be collector of the customs for the district of Newburyport, in the State of Massachusetts, from the 24th of March, 1838.

William Beach to be collector of the customs for the district of Gloucester, in the State of Massachusetts, from the 24th of March, 1838.

Joseph Sewall to be collector of the customs for the district and inspector of the revenue for the port of Bath, in the State of Maine, from the 25th of March, 1838.

Charles Leary to be collector of the customs for the district and inspector of the revenue for the port of Vienna, in the State of Maryland, from the 31st of March, 1838.

Daniel P. Drown to be collector of the customs for the district of Portsmouth, in the State of New Hampshire, from the 1st of April, 1838.

M. VAN BUREN.

WASHINGTON, *March 3d, 1838.*

The messages were read.

Ordered, That the nominations of Gabriel I. Floyd, Aaron Ogden, James E. Gibble, James McGuire, Samuel Phillips, William Beach, Joseph Sewall, Charles Leary, and Daniel P. Drown be referred to the Committee on Commerce.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Olmstead Hough.

On motion by Mr. Norvell,

Resolved, That the Senate advise and consent to the appointment of Olmstead Hough, agreeably to the nomination.

Ordered, That the nomination of Leonard Jarvis be referred to the Committee on Naval Affairs.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Solomon Clark.

On motion by Mr. Walker,

Resolved, That the Senate advise and consent to the appointment of Solomon Clark, agreeably to the nomination.

Ordered, That the nomination of John E. Ward be referred to the Committee on the Judiciary.

Mr. King, from the Committee on Commerce, to whom was referred, on the first instant, the nomination of John McDonell, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John McDonell, agreeably to the nomination.

Mr. Clay, of Kentucky, presented the affidavits of John Bocks, John Tall, Jack Wheelbarrow, John Seneca, Big Kettle, George Lindsay, William Cast, Jacob Jimeson, John Gordon, and Long John, representing themselves to be chiefs of the Seneca tribe of Indians, and stating

that an instrument lately executed on the Buffalo Reservation, in the State of New York, purporting to be a treaty between the United States and the Six Nations for the sale of their several reservations in the State of New York, and for their removal therefrom, had been obtained from the said Indians through false pretenses.

On motion by Mr. Clay, of Kentucky,

Ordered, That the said affidavits and the paper accompanying the same be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

TUESDAY, MARCH 6, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate H. T. Williams to be surveyor-general of the public lands in the State of Louisiana, from the 21st of February, 1838, when his former commission expired.

James H. Weakley to be surveyor-general of the public lands in the State of Alabama, from the 5th of March, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 3d*, 1838.

To the Senate of the United States:

I nominate John Clark to be register of the land office for the district of lands subject to sale in the Grand River district, in the State of Michigan, vice Joseph W. Brown, removed.

William A. Richmond to be receiver of public moneys for the district of lands subject to sale in the Grand River district, in the State of Michigan, vice Allen Hutchins, removed.

M. VAN BUREN.

WASHINGTON, *March 3d*, 1838.

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of H. T. Williams.

On motion by Mr. Mouton,

Resolved, That the Senate advise and consent to the appointment of H. T. Williams, agreeably to the nomination.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of James H. Weakley.

On motion by Mr. Clay, of Alabama,

Resolved, That the Senate advise and consent to the appointment of James H. Weakley, agreeably to the nomination.

The Senate proceeded, by unanimous consent, to the consideration of the nominations of John Clark and William A. Richmond.

On motion by Mr. Norvell,

Resolved, That the Senate advise and consent to the appointment of John Clark and William A. Richmond, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 1st and 3d instant, the nominations of Samuel Milroy, Charles Humphreys, Joseph S. Lake, John Coates, John Taylor, and James C. Sloo, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Samuel Milroy, Charles Humphreys, Joseph S. Lake, John Coates, John Taylor, and James C. Sloo, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom was referred, on the 1st instant, the nomination of Danforth N. Barney, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Danforth N. Barney, agreeably to the nomination.

WEDNESDAY, MARCH 7, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Thomas P. Devereux to be attorney of the United States for the district of North Carolina, his commission having expired the 10th of February last.

Daniel Kellogg to be attorney of the United States for the district of Vermont, from the 18th inst., when his present commission will expire.

Lewis Sanders to be attorney of the United States for the district of Kentucky, from the 29th instant, when his present commission will expire.

Benjamin F. Linton to be attorney of the United States for the western district of Louisiana, from the 29th instant, when his present commission will expire.

David C. Wilson to be marshal of the district of Delaware, his commission having expired on the 4th instant.

Alexander Hunter to be marshal for the District of Columbia, his commission having expired on the 6th instant.

John M. McCalla to be marshal of the United States for the district of Kentucky, from the 18th instant, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 7th, 1838.*

To the Senate of the United States:

I nominate George W. Biscoe to be surveyor and inspector of the revenue for the port of Nottingham, in the State of Maryland, from the 10th of March, 1838, when his present commission expires.

M. VAN BUREN.

WASHINGTON, *March 7th, 1838.*

The messages were read.

Ordered, That the nominations of Thomas P. Devereux, Daniel Kellogg, Lewis Sanders, David C. Wilson, Alexander Hunter, and John M. McCalla be referred to the Committee on the Judiciary.

Ordered, That the nomination of George W. Biscoe be referred to the Committee on Commerce.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 26th of December, 24th of January, 23d of February last, and 1st instant, the following nominations, reported them severally to the Senate, viz:

Theodore P. Green, John R. Tucker, and Thomas J. Page.

J. W. B. Greenhow, George Maulsby, Charles J. Bates, and William A. Green.

Henry W. Ogden and Richard W. Meade.

George Clymer, Isaac Brinckerhoff, William M. Wood, J. Vaughan Smith, Jones W. Plummer, Geo. B. McKnight, Solomon Sharp, Daniel Egbert, Amos G. Gambrill, Wm. A. W. Spotswood, William Grier, Edwin H. Conway, J. Winthrop Taylor, James Monroe Minor, Buckner T. McGill, and Philemon Baker.

John H. Clack, Philip F. Voorhees, Benjamin Cooper, Ebenezer Ridgeway, Thomas A. Conover, John C. Long, John H. Graham, James Mc. McIntosh, Josiah Tattnall, Hugh N. Page, George Minor, Percival Drayton, William Preston Griffin, Oliver Tod, Robert F. Pinkney, Thomas R. Rootes, Edward M. Yard, James T. McLaughlin, James M. Gillis, Alexander Gibson, William S. Young, William W. Bleecker, Joseph F. Green, Algernon S. Worth, Zachariah Holland, John De Camp, and Bushrod W. Hunter.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

FRIDAY, MARCH 9, 1838.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 20th and 23d of February last, and the 5th and 7th instant, the nominations of Richard M. Woods, William M. Price, John E. Ward, David C. Wilson, and Alexander Hunter, reported.

On motion by Mr. Grundy,

Resolved, That the Senate advise and consent to the appointment of William M. Price, John E. Ward, and Alexander Hunter, agreeably to their nominations respectively.

Mr. Roane, from the Committee on the District of Columbia, to whom was referred, on the 1st instant, the nomination of John Cox, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Cox, agreeably to the nomination.

TUESDAY, MARCH 13, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Mason I. Howell to be register of the land office for the district of lands subject to sale at Jeffersonville, in the State of Indiana, vice William Lewis, whose commission will expire on the 25th of the present month.

M. VAN BUREN.

WASHINGTON, March 8th, 1838.

To the Senate of the United States:

I nominate Charles Thompson to be surveyor and inspector of the revenue for the port of St. Marks, in the Territory of Florida, vice David M. Sheffield, resigned.

M. VAN BUREN.

WASHINGTON, March 8th, 1838.

To the Senate of the United States:

I nominate Daniel Reid to be register of the land office for the district of lands subject to sale at Fort Wayne, in the State of Indiana, vice Robert Brackenridge, whose commission will expire on the 25th of the present month.

M. VAN BUREN.

WASHINGTON, *March 9th, 1838.*

To the Senate of the United States:

I nominate Conway Whittle to be collector of the customs for the district of Norfolk and Portsmouth, in the State of Virginia, from the 19th of March, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 10th, 1838.*

To the Senate of the United States:

I nominate the person named in the accompanying communication of the Secretary of War, for the reappointment of a paymaster in the Army of the United States.

M. VAN BUREN.

WASHINGTON, *10th March, 1838.*

WAR DEPARTMENT, *10th March, 1838.*

SIR: I have the honor to submit herewith the name of John S. Lytle to be reappointed paymaster in the Army of the United States, to take effect from the 27th of February, 1838.

I have the honor to be, sir, with great respect, your obedient servant,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

I nominate to the Senate John Patterson, of Adams County, Ohio, to be marshal of the United States for the district of Ohio from the 17th day of March, 1838, when the commission of the present incumbent expires.

M. VAN BUREN.

WASHINGTON, *March 12th, 1838.*

To the Senate of the United States:

I nominate David B. McNeil to be collector of the customs for the district of Champlain, and inspector of the revenue for the port of Plattsburg, in the State of New York, from the 2d of May, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 12th, 1838.*

I nominate to the Senate David A. Hall to be a justice of the peace for the county of Washington, in the District of Columbia, his commission having expired.

Clement T. Coote to be a justice of the peace for the county of Washington, in the District of Columbia, from the 19th of May next, when his present commission will expire.

Lewis Carbery to be a justice of the peace for the county of Washington, in the District of Columbia, from the 22d of May next, when his present commission will expire.

George Naylor to be a justice of the peace for the county of Wash-

ington, in the District of Columbia, from the 5th of May next, when his present commission will expire.

Newton Keene, Jacob Morgan, Francis Peyton, to be justices of the peace for the county of Alexandria, in the District of Columbia, from the 17th of April next, when their present commissions will expire.

Adam Lynn, Thompson F. Mason, Jonah Thompson, to be justices of the peace for the county of Alexandria, in the District of Columbia, their commissions having expired.

M. VAN BUREN.

WASHINGTON, —, 1838.

The messages were read,

Ordered, That the nominations of Mason I. Howell and Daniel Reid be referred to the Committee on Public Lands.

Ordered, That the nominations of Charles Thompson and Conway Whittle be referred to the Committee on Commerce.

Ordered, That the nomination of John S. Lytle be referred to the Committee on Military Affairs.

Ordered, That the nomination of John Patterson be referred to the Committee on the Judiciary.

Ordered, That the nomination of justices of the peace be referred to the Committee on the District of Columbia.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of David B. McNeil.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of David B. McNeil, agreeably to the nomination.

The Senate proceeded to consider the nominations of Richard M. Woods and David C. Wilson, which were reported on the 9th instant.

On motion by Mr. Grundy,

Resolved, That the Senate advise and consent to the appointment of Richard M. Woods and David C. Wilson, agreeably to their nominations respectively.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 7th instant, the nominations of Thomas P. Devereux, Daniel Kellogg, Lewis Sanders, Benjamin F. Linton, and John M. McCalla, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas P. Devereux, Daniel Kellogg, Lewis Sanders, Benjamin F. Linton, and John M. McCalla, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom were referred, on the 1st, 3d, 5th, and 7th instant, the nominations of George W. Clinton, George H. McWhorter, Jacob Gould, Seymour Scovell, Nathaniel M. Lowney, Gabriel I. Floyd, Aaron Ogden, James E. Gibble, James McGuire, Samuel Phillips, William Beach, Joseph Sewall, Charles Leary, Daniel P. Brown, and George W. Biscoe, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Grundy,

The Senate proceeded to reconsider so much of the resolution of this day confirming the nominations of Richard M. Woods and David C. Wilson as relates to the former, and after debate it was again

Resolved, That the Senate advise and consent to the appointment of the said Richard M. Woods.

WEDNESDAY, MARCH 14, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate A. A. Nicholson, now assistant quartermaster in the Marine Corps, to be quartermaster in the said corps from this date, to supply the vacancy occasioned by the death of Elijah J. Weed.

George B. Liudsay, now a first lieutenant in the Marine Corps, to be assistant quartermaster in said corps in place of A. A. Nicholson, now nominated to be quartermaster.

A. N. Brevoort, now a first lieutenant, to be a captain in the Marine Corps from the 6th of March, 1838, to fill the vacancy occasioned by the death of E. J. Weed.

George Washington McLean, now a second lieutenant in the Marine Corps, to be a first lieutenant in said corps from the 6th of March, 1838, to fill the vacancy occasioned by the promotion of A. N. Brevoort.

John F. Young, of Virginia, to be a second lieutenant in the Marine Corps, to fill the vacancy occasioned by the promotion of Geo. W. McLean.

M. VAN BUREN.

WASHINGTON, *March 12th, 1838.*

To the Senate of the United States:

I nominate George F. Sawyer, of Vermont, to be a purser in the Navy.

M. VAN BUREN.

WASHINGTON, *March 14, 1838.*

I nominate to the Senate Seth Salisbury to be marshal of the United States for the western district of Pennsylvania from the 24th day of April, 1838, when the commission of the present incumbent expires.

M. VAN BUREN.

WASHINGTON, — 1838.

To the Senate of the United States:

I nominate Benjamin Wormstead to be surveyor for the district and inspector of the revenue for the port of Marblehead, in the State of Massachusetts, vice Eleazer T. Graves, deceased.

M. VAN BUREN.

WASHINGTON, *March 13th, 1838.*

To the President of the Senate:

I transmit to the Senate a treaty of commerce and navigation between the United States and His Majesty the King of Greece, concluded at London on the 22d day of December last, together with a copy of the documents relating to the negotiation of the same, for the constitutional consideration of the Senate in reference to its ratification.

M. VAN BUREN.

WASHINGTON, *March 14th, 1838.*

The messages were read.

Ordered, That the nominations for appointments and promotion in the Navy and Marine Corps be severally referred to the Committee on Naval Affairs.

Ordered, That the nomination of Seth Salisbury be referred to the Committee on the Judiciary.

Ordered, That the nomination of Benjamin Wormstead be referred to the Committee on Commerce.

The treaty with Greece, received with the message of this day, was read twice by unanimous consent.

On motion by Mr. Rives,

Ordered, That the message, with the documents and treaty, be referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred, on the 31st of January last, the nomination of Edmund L. Dubarry, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Edmund L. Dubarry, agreeably to the nomination.

TUESDAY, MARCH 20, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Andrew A. Roland to be register of the land-office for the district of lands subject to sale at Ouachita, in the State of Louisiana, vice John M. A. Hamblin, deceased.

M. VAN BUREN.

WASHINGTON, *March 15th*, 1838.

I nominate to the Senate Bernard Hooe to be a justice of the peace for the county of Alexandria, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *March 16th*, 1838.

To the Senate of the United States:

I nominate Adam Gordon to be collector of the customs for the district and inspector of the revenue for the port of Key West, in the Territory of Florida, vice William A. Whitehead, resigned, to take effect on the 30th of June next.

M. VAN BUREN.

WASHINGTON, *March 17th*, 1838.

The messages were read.

Ordered, That the nomination of Andrew A. Roland be referred to the Committee on Public Lands.

Ordered, That the nomination of Bernard Hooe be referred to the Committee on the District of Columbia.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Adam Gordon.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of Adam Gordon, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 13th and 14th instant, the nominations of Charles Thompson, Conway Whittle, and Benjamin Wormstead, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Charles Thompson, Conway Whittle, and Benjamin Wormstead, agreeably to their nominations respectively.

Mr. Tallmadge, from the Committee on Naval Affairs, to whom was referred, on the 14th instant, the nomination of George F. Sawyer, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George F. Sawyer, agreeably to the nomination.

Mr. Roane, from the Committee on the District of Columbia, to whom were referred, on the 13th instant, the nominations of certain persons to be justices of the peace, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of David A. Hall, Clement T. Coote, Lewis Carbery, George Naylor, Newton Keene, Jacob Morgan, Adam Lynn, and Thompson F. Mason, agreeably to their nominations respectively.

On motion by Mr. Roane,

Ordered, That the nominations of Francis Peyton and Jonah Thompson be laid on the table.

WEDNESDAY, MARCH 21, 1838.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 13th and 14th instant, the nominations of John Patterson and Seth Salisbury, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Patterson and Seth Salisbury, agreeably to their nominations respectively.

Mr. Roane, from the Committee on the District of Columbia, to whom was referred, on the 20th instant, the nomination of Bernard Hooe, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Bernard Hooe, agreeably to the nomination.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 13th and 20th instant, the nominations of Mason I. Howell, Daniel Reid, and Andrew A. Roland, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Mason I. Howell and Andrew A. Roland, agreeably to their nominations respectively.

On motion by Mr. Tipton,

Ordered, That the nomination of Daniel Reid be laid on the table.

THURSDAY, MARCH 22, 1838.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred, on the 5th instant, the nomination of Leonard Jarvis, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Leonard Jarvis, agreeably to the nomination.

Mr. Linn presented a letter from the Secretary of War in relation to the treaties with the Sioux, Winnebago, and Chippewa Indians, which

were received with the message of the President of the 19th of December last, and referred to the Committee on Indian Affairs.

On motion by Mr. Linn,

Ordered, That the said letter be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

MONDAY, MARCH 26, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively affixed to their names:

William Nelson to be collector of the customs for the district and inspector of the revenue for the port of Yorktown, in the State of Virginia, from the 3d of April, 1838.

Robert Mitchell to be collector of the customs for the district and inspector of the revenue for the port of Pensacola, in the Territory of Florida, from the 3d of April, 1838.

William M. Loftin to be surveyor and inspector of the revenue for the port of St. Andrews Bay, in the Territory of Florida, from 3d of April, 1838.

John Swasey to be naval officer for the district of Salem and Beverly, in the State of Massachusetts, from 12th April, 1838.

Dabney S. Carr to be naval officer for the district of Baltimore, in the State of Maryland, from 12th of April, 1838.

M. VAN BUREN.

WASHINGTON, March 24th, 1838.

To the Senate of the United States:

I nominate Timothy Souther to be collector of the customs for the district and inspector of the revenue for the port of Ipswich, in the State of Massachusetts, from the 12th of April, 1838, when his present commission will expire.

M. VAN BUREN.

The messages were read.

Ordered, That the nominations contained in said messages be severally referred to the Committee on Commerce.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 14th instant, the treaty with Greece, reported the same without amendment.

The Senate proceeded, as in Committee of the Whole, to the consideration of the said treaty.

On the question, Will the Senate advise and consent to the ratification of this treaty?

It was determined in the affirmative, yeas 40.

Those who voted are,

Messrs. Allen, Bayard, Brown, Buchanan, Calhoun, Clay of Alabama, Clayton, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of In-

diana, Strange, Swift, Tallmadge, Tipton, Trotter, Walker, Wall, White, Williams, Wright, Young.

The treaty was reported to the Senate.

Mr. Buchanan submitted the following resolution:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States of America and His Majesty the King of Greece, concluded at London the 10th-22d of December, one thousand eight hundred and thirty-seven.

The resolution was considered by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, yeas 38.

Those who voted are,

Messrs. Allen, Bayard, Brown, Buchanan, Calhoun, Clay of Alabama, Clayton, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Swift, Tallmadge, Tipton, Walker, Wall, White, Williams, Wright, Young.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. Davis submitted the following resolution:

Resolved, That the injunction of secrecy be removed from all correspondence and documents relating to the northeastern boundary of the United States, and that so much of the same as has not been printed by any Department of the Government be printed.

The Senate proceeded to the consideration of the said resolution.

On motion by Mr. Buchanan,

Ordered, That it be laid on the table.

TUESDAY, MARCH 27, 1838.

On motion by Mr. Walker,

The Senate resumed the consideration of the nomination of Daniel Reid,

And after debate,

On motion by Mr. Walker,

Resolved, That the Senate advise and consent to the appointment of Daniel Reid, agreeably to the nomination.

Mr. White submitted several documents adverse to a treaty stated to have been lately concluded with the Six Nations of Indians at Buffalo, in the State of New York.

On motion by Mr. White,

Ordered, That the said documents be printed in confidence for the use of the Senate.

WEDNESDAY, MARCH 28, 1838.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred, on the 31st of January last, the nomination of William H. Brewster, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William H. Brewster, agreeably to the nomination.

FRIDAY, MARCH 30, 1838.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred, on the 14th instant, the nomination of A. A. Nicholson, reported.

Whereupon,

After debate,

Resolved, That the Senate advise and consent to the appointment of A. A. Nicholson, agreeably to the nomination.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Gorham Parks to be marshal of the United States for the district of Maine from the 24th day of April, 1838, when the term of service of the present incumbent expires.

M. VAN BUREN.

WASHINGTON, *March 29th*, 1838.

The message was read.

Ordered, That the nomination of Gorham Parks be referred to the Committee on the Judiciary.

WEDNESDAY, APRIL 4, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Francis Lacroute to be consul of the United States for the port of Algiers, in the place of Charles Garavini.

M. VAN BUREN.

WASHINGTON, *March 31st*, 1838.

I nominate to the Senate John A. Bradford, of Tennessee, to be consul of the United States for the port of St. John's, in the island of Porto Rico, in the place of George W. Montgomery, resigned.

M. VAN BUREN.

WASHINGTON, *April 2d*, 1838.

To the Senate of the United States:

I nominate William Wright to be register of the land office for the district of lands subject to sale at Palmyra, in the State of Missouri, from the 29th of May, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *April 2d*, 1838.

To the Senate of the United States:

I nominate Colonel Zachariah Taylor, of the 1st Regiment of Infantry, to be brigadier-general by brevet, to take rank the 25th of December, 1837, for distinguished services on that day in the battle of the Kissimme, in Florida, with the Seminole Indians.

M. VAN BUREN.

WASHINGTON, *April 4th*, 1838.

The messages were read.

Ordered, That the nominations of Francis Lacroute and John A. Bradford be referred to the Committee on Commerce.

Ordered, That the nomination of Colonel Zachariah Taylor be referred to the Committee on Military Affairs.

Ordered, That the nomination of William Wright be referred to the Committee on Public Lands.

Mr. Wright presented a memorial from sundry citizens of Chatauque County, in the State of New York, in favor of the treaty said to have been lately concluded with the Six Nations of Indians in that State.

On motion by Mr. Wright,

Ordered, That the said memorial be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 14th instant, the nominations of George B. Lindsay, A. N. Brevoort, Geo. W. McLean, and John F. Young, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George B. Lindsay, A. N. Brevoort, Geo. W. McLean, and John F. Young, agreeably to their nominations respectively.

THURSDAY, APRIL 5, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

Gentlemen of the Senate:

I nominate for your advice and consent Frederick Humrichouse to be deputy postmaster at Hagerstown, in the State of Maryland, in place of Howard Kennedy, resigned.

I also nominate for your advice and consent the following persons to be deputy postmasters at the several places named, the commissions allowed to each of the postmasters having exceeded one thousand dollars for the year ending on the 30th of June, 1837, viz:

William Seaver, at Batavia, New York; Hanson Kelly, at Pensacola, Fl. Ty; Emery D. Potter, at Toledo, Ohio; Nathaniel Buckmaster, at Alton, Illinois.

M. VAN BUREN.

To the Senate of the United States:

I nominate Isaac Prickett to be receiver of public moneys for the district of lands subject to sale at Edwardsville, in the State of Illinois, vice Alexander M. Jenkins, resigned.

M. VAN BUREN.

WASHINGTON, April 4th, 1838.

I nominate to the Senate John P. Hale to be attorney of the United States for the district of New Hampshire from the 8th day of April, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, —, 1838.

To the Senate:

I transmit a communication from the Department of War on the subject of the treaty with the Stockbridge and Munsee Indians of September, 1836, which is now before the Senate.

M. VAN BUREN.

WASHINGTON, April, 1838.

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Frederick Humrichouse.

On motion by Mr. Robinson,

Resolved, That the Senate advise and consent to the appointment of Frederick Humrichouse, agreeably to the nomination.

Ordered, That the nominations of William Seaver, Hanson Kelly, Emery D. Potter, and Nathaniel Buckmaster be referred to the Committee on the Post-Office and Post-Roads.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Isaac Prickett.

On motion by Mr. Young,

Resolved, That the Senate advise and consent to the appointment of Isaac Prickett, agreeably to the nomination.

Ordered, That the nomination of John P. Hale be referred to the Committee on the Judiciary.

Ordered, That the message of this day with the communication from the Department of War, and documents on the subject of the treaty with the Stockbridge and Munsee Indians, be referred to the Committee on Indian Affairs.

Mr. Grundy, from the Committee on the Judiciary, to whom was referred, on the 30th of March last, the nomination of Gorham Parks, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Gorham Parks, agreeably to the nomination.

Mr. Davis presented a memorial from certain inhabitants of the counties of Cattaraugus and Erie, in the State of New York, adverse to a treaty stated to have been lately concluded with the Six Nations of Indians in that State.

On motion by Mr. Davis,

Ordered, That the said memorial be referred to the Committee on Indian Affairs.

MONDAY, APRIL 9, 1838.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 4th instant, the nomination of Zachariah Taylor, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion of Zachariah Taylor, agreeably to the nomination.

TUESDAY, APRIL 10, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Marks Crume to be receiver of public moneys for the district of lands subject to sale at Crawfordsville, in the State of Indiana, vice Samuel Milroy, declined.

M. VAN BUREN.

WASHINGTON, April 6th, 1838.

I nominate to the Senate Thomas Douglass to be attorney of the United States for the eastern district of Florida, from the 22d day of May, 1838, when his present commission will expire.

M. V. B.

WASHINGTON, —, 1838.

I nominate to the Senate Benjamin Patteson to be marshal of the United States for the northern district of Alabama from the 8th day of May, 1838, when his present commission expires.

M. VAN BUREN.

WASHINGTON, *April*, 1838.

I nominate to the Senate Robert L. Crawford to be marshal of the United States for the southern district of Alabama, from the 8th day of May, 1838, when his present commission expires.

M. VAN BUREN.

WASHINGTON, *April 9th*, 1838.

To the Senate of the United States:

I nominate David W. Jones to be receiver of public money from the sales of land at Mineral Point, in the Territory of Wisconsin, in the place of Joseph Eneix, resigned.

M. VAN BUREN.

APRIL 10TH, 1838.

John A. Bradford having been nominated by mistake to the Senate for the appointment of consul at the port of St. Johns, in the island of Porto Rico, I hereby withdraw his nomination, and nominate John O. Bradford for the same appointment.

M. VAN BUREN.

WASHINGTON, *April 10th*, 1838.

The messages were read.

Ordered, That the nomination of David W. Jones be referred to the Committee on Public Lands.

The Senate proceeded to consider, by unanimous consent, the nomination of Marks Crume.

On motion by Mr. Smith, of Indiana,

Resolved, That the Senate advise and consent to the appointment of Marks Crume, agreeably to the nomination.

Ordered, That the nominations of Thomas Douglass, Benjamin Patteson, and Robert L. Crawford be referred to the Committee on the Judiciary.

Mr. King, from the Committee on Commerce, to whom was referred, on the 4th instant, the nomination of John A. Bradford, reported.

The Senate then proceeded, by unanimous consent, to the consideration of the message received this day withdrawing the name of John A. Bradford and nominating John O. Bradford; and,

After debate,

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of John O. Bradford, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 26th of March last, the nominations of William Nelson, Robert Mitchell, William M. Loftin, John Swasey, and Dabney S. Carr, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William Nelson, Robert Mitchell, William M. Loftin, and Dabney S. Carr, agreeably to their nominations respectively.

Mr. Grundy, from the Committee on the Judiciary, to whom was referred, on the 5th instant, the nomination of John P. Hale, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John P. Hale, agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 13th of March last, the nomination of John S. Lytle, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John S. Lytle, agreeably to the nomination.

WEDNESDAY, APRIL 11, 1838.

The Senate proceeded to consider the nomination of John Swasey, reported on the 10th instant.

On motion by Mr. King,

Resolved, That the Senate advise and consent to the appointment of John Swasey, agreeably to the nomination.

FRIDAY, APRIL 13, 1838.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 10th instant, the nominations of Thomas Douglass, Benjamin Patteson, and Robert L. Crawford, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas Douglass, Benjamin Patteson, and Robert L. Crawford, agreeably to their nominations respectively.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 5th instant, the nominations of William Seaver, Hanson Kelly, Emery D. Potter, and Nathaniel Buckmaster, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William Seaver, Hanson Kelly, Emery D. Potter, and Nathaniel Buckmaster, agreeably to their nominations respectively.

MONDAY, APRIL 16, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Richard Kennon, of Virginia, to be an assistant surgeon in the Navy, to take rank next after John B. Elliot; he, the said Kennon, having already served eight years eleven months and twenty-five days as an assistant surgeon, one year ten months and three days of which time he was a passed assistant surgeon in the Navy; but this reappointment is not to give him any advantage as to pay or rank for the time he has been out of the service.

M. VAN BUREN.

WASHINGTON, April 12th, 1838.

To the Senate of the United States:

I nominate John Laighton to be Navy agent for the port of Portsmouth, N. H., for four years from the 27th of April, 1838, at which time his present commission will expire.

M. VAN BUREN.

WASHINGTON, April 13th, 1838.

The messages were read.

Ordered, That the nominations of Richard Kennon and John Laighton be referred to the Committee on Naval Affairs.

THURSDAY, APRIL 19, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Benjamin Sherman to be register of the land office for the district of lands subject to sale at Ionia, in the State of Michigan, vice John Clark, declined.

M. VAN BUREN.

WASHINGTON, April 14th, 1838.

To the Senate of the United States:

I nominate William Bickham to be receiver of public moneys for the district of lands subject to sale at Saint Helena Court-House, in the State of Mississippi, vice Paris Childress, resigned.

M. VAN BUREN.

WASHINGTON, April 17th, 1838.

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Benjamin Sherman.

On motion by Mr. Norvell,

Resolved, That the Senate advise and consent to the appointment of Benjamin Sherman, agreeably to the nomination.

On motion by Mr. Walker,

Ordered, That the nomination of William Bickham be laid on the table.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 10th instant, the nomination of David W. Jones, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of David W. Jones, agreeably to the nomination.

MONDAY, APRIL 23, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively affixed to their names, viz:

Archibald Clark to be collector of the customs for the district and

inspector of the revenue for the port of St. Mary's, in the State of Georgia, from the 6th of May, 1838.

John P. Osborne to be collector of the customs for the district and inspector of the revenue for the port of Sag Harbor, in the State of New York, from the 10th of May, 1838.

M. VAN BUREN.

WASHINGTON, April 20th, 1838.

To the Senate of the United States:

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively affixed to their names, viz:

John Killian to be register of the land office for the district of lands subject to sale at St. Helena C. H., in the State of Louisiana, from the 13th of May, 1838.

Finis Ewing to be register of the land office for the district of lands subject to sale at Lexington, in the State of Missouri, from the 25th of May, 1838.

Joel H. Haden to be register of the land office for the district of lands subject to sale at Springfield, in the State of Missouri, from the 30th of June, 1838.

M. VAN BUREN.

WASHINGTON, April 20th, 1838.

To the Senate of the United States:

I recall the nomination of William Bickham, made on the 17th inst., to be receiver of public moneys for the district of lands subject to sale at St. Helena C. H., in the State of Mississippi; also the nomination of John Killian, made on the 20th inst., to be register of the land office for the district of lands subject to sale at St. Helena C. H., in the State of Louisiana, as they contained clerical errors; and

I nominate William Bickham to be receiver of public moneys for the district of lands subject to sale at Greensburg, in the State of Louisiana, vice Paris Childress, resigned.

I also nominate John Killian to be register of the land office for the district of lands subject to sale at Greensburg, in the State of Louisiana, from the 13th of May, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, April 20th, 1838.

To the Senate of the United States:

I nominate Joseph H. Larwill to be receiver of public moneys for the district of lands subject to sale at Bucyrus, in the State of Ohio, from the 29th of May, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, April 21st, 1838.

To the Senate:

I transmit, for the consideration and action of the Senate, communications from the Department of War, accompanying treaties with the Indians in the State of New York, with the St. Regis band, and with the Oneidas residing at Green Bay.

M. VAN BUREN.

WASHINGTON, April 23d, 1838.

The messages were read.

Ordered, That the nominations of Archibald Clark and John P. Osborne be referred to the Committee on Commerce.

Ordered, That the nominations of John Killian, Finis Ewing, Joel H. Haden, Joseph H. Larwill, and William Bickham be severally referred to the Committee on Public Lands.

The treaty with the several tribes of New York Indians, the article supplemental thereto with the St. Regis Indians, and the treaty with the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, were severally read twice by unanimous consent.

On motion by Mr. White,

Ordered, That the said treaties and supplemental article, with the message and documents accompanying the same, be severally referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

Mr. White presented sundry documents in relation to the treaty with the several tribes of New York Indians.

Ordered, That the said documents be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

Mr. King, from the Committee on Commerce, to whom were referred, on the 26th of March and on the 4th instant, the nominations of Timothy Souther and Francis Lacroute, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Timothy Souther and Francis Lacroute, agreeably to their nominations respectively.

TUESDAY, APRIL 24, 1838.

Mr. White, from the Committee on Indian Affairs, to whom were referred, on the 15th and 24th of January last, the treaties with the Saginaw tribe of Chippewa Indians made on the 14th of January, 1837, and 20th of December, 1837, reported them severally without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the said treaties; and no amendment having been made to either, they were severally reported to the Senate.

On motion by Mr. White that the first-mentioned treaty be amended as proposed by the second, and that the second be amended by striking out the 6th article, changing articles 7 and 8 to articles 6 and 7, and by striking out the note and list of claims appended thereto,

The question was stated, Shall the words proposed to be stricken out stand as parts of those treaties respectively?

And it was determined in the negative, nays 29.

Those who voted are,

Messrs. Allen, Bayard, Benton, Buchanan, Clay of Alabama, Clay of Kentucky, Fulton, Hubbard, King, Linn, Lumpkin, Morris, Nicholas, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, White, Wright, Young.

Mr. White submitted the following resolution:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the treaty made and concluded at Detroit, in the State of Michigan, on the fourteenth day of January, in the year of our Lord eighteen hundred and thirty-seven, between the United States of America, by their commissioner, Henry R. Schoolcraft, and the Saginaw tribe of the Chippewa Nation, by their chiefs and dele-

gates assembled in council, as the same was amended by the treaty made and concluded at Flint River, in the State of Michigan, on the twentieth day of December, eighteen hundred and thirty-seven, between the United States, by Henry R. Schoolcraft, commissioner duly authorized for that purpose and Acting Superintendent of Indian Affairs, and the Saganaw tribe of Chippewas.

And be it further resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the last-mentioned treaty, with the following amendments:

Strike out the sixth article, in the following words:

“ARTICLE 6TH. The said tribe set apart nine thousand eight hundred dollars out of the fund arising from the sale of their lands, to be paid to the individuals named in a list of claims hereunto annexed.”

Change articles 7 and 8 to article 6 and article 7.

Strike out the following note and list of claims:

“It was understood, previous to the execution of the foregoing treaty, that the United States does not agree to advance the amount set apart by the 6th article for claimants in lieu of reservations; and that no payments will be made in accordance therewith until the lands of the Indians are sold and the proceeds thereof placed to their credit at the Treasury.

“HENRY R. SCHOOLCRAFT,

“Com'r.

“List of claims directed to be paid in the 6th article:

“To Mekitchewanoqua, or Betsy Lyon	\$800 00
“ Margaret Swarts, alias Gelesky	400 00
“ Kewajewun, and two children of Archy Lyon.....	400 00
“ Majo, of Saginaw, for himself and Indian family.....	400 00
“ John H. Connor.....	400 00
“ Richard H. Connor	400 00
“ Ladi, or Leon. Tromblee.....	800 00
“ Adjejaugh, or Joseph Visger	400 00
“ Antoine Beaubien, jr.....	400 00
“ Shawrescopenagsee, or Koi	400 00
“ Shawunacqum, daughter of Paro Roi.....	400 00
“ Wabipenaysee, son of Kangegaygeezhik	400 00
“ John Baptist Barard.....	400 00
“ Keeshigoqua, daughter of Jacob Gravereat.....	400 00
“ Pierre Provencal	400 00
“ Bena Tromble	400 00
“ Kenozia, or Stewart	400 08
“ Penacee, wife of Henry Campaw.....	400 00
“ Mittigaubaik, or B. Desnoyers	400 08
“ Albert J. Smith	1,000 00
“ Joseph Beaubien	400 00

“HENRY R. SCHOOLCRAFT,

“Commissioner.”

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, yeas 28.

Those who voted are,

Messrs. Allen, Bayard, Benton, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Morris, Nicholas, Norvell, Pierce, Prentiss, Pres-

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ton, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, White, Williams, Wright, Young.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 20th of February last, the treaty with the several bands of the Chippewa Nation comprehended within the district of Saginaw, made on the 23d of January, 1838, reported the same without amendment.

The said treaty was read the second time.

The Senate proceeded to consider, as in Committee of the Whole, the said treaty; and no amendment having been made thereto, it was reported to the Senate.

On motion by Mr. White that the said treaty be amended by striking out articles 2 and 4, and changing articles 3 and 5 to articles 2 and 3,

The question was stated, Shall those articles proposed to be stricken out stand as part of the treaty?

And

It was determined in the negative, nays 28.

Those who voted are,

Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Nichols, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, White, Wright, Young.

Mr. White submitted the following resolution:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the treaty concluded at the city of Saganaw, in Michigan, on the 23d day of January, 1838, between the United States of America, by Henry R. Schoolcraft, commissioner, and the several bands of the Chippewa Nation, comprehended within the district of Saganaw, with the following amendments:

Strike out articles 2 and 4 in the following words:

“ARTICLE 2. The survey and proclamation of sale shall apply as well to the reserves on the River Angrais and at Rifle River, of which said Indians are to have the usufruct and occupancy for five years, as to the other lands ceded; but the sales shall be made subject to the incumbrance of such right of occupancy by the Indians, nor shall any lands thus sold be entered upon until the full end and term of said five years, without the consent of said Indians, publicly obtained, at the office of the proper superintendent, agent, or sub-agent, of such tribe or band, which consent shall be expressed by the certificate of such officer, delivered to the purchaser. And to enable such officer to act understandingly in the discharge of this duty, a plat of the survey of such reservations shall be furnished for the use of his office.

“ARTICLE 4. Should the said Indians agree to emigrate, and give up their reservations on the west shores of Saganaw Bay at any time during the first period of sale hereinbefore mentioned, they shall receive from the United States the minimum price per acre fixed for said period; and if during the second period, the minimum price for the second period.”

Change articles 3 and 5 to read *article 2, article 3*.

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, yeas 28.

Those who voted are,

Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama,

Fulton, Hubbard, King, Linn, Lumpkin, Nichols, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Swift, Tipton, White, Wright, Young.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. Prentiss presented sundry documents adverse to the treaty lately concluded with the New York Indians.

Ordered, That the said documents be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

MONDAY, MAY 7, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Henry P. Sturgis to be consul of the United States for the port of Manila and the Philippine Islands, in the place of Alfred H. P. Edwards, resigned.

M. VAN BUREN.

WASHINGTON, April 26th, 1838.

To the Senate of the United States:

I nominate I. R. Wilson, of Georgia, to be a second lieutenant in the Marine Corps, to supply a vacancy.

M. VAN BUREN.

WASHINGTON, April 27th, 1838.

I nominate to the Senate Byrd Brandon, of Alabama, to be consul of the United States for the port of Campech^e, in Mexico.

M. VAN BUREN.

WASHINGTON, April 30th, 1838.

To the Senate of the United States:

I nominate the persons named in the accompanying list for promotion and reappointment in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, 26th April, 1838.

WAR DEPARTMENT, 26th April, 1838.

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for regular promotion and for reappointment in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

For the PRESIDENT OF THE UNITED STATES.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, 26th April, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Second Regiment of Dragoons.

Second Lieutenant Robert B. Lawton to be first lieutenant, 29th January, 1838, vice Bullock, promoted.

First Regiment of Artillery.

Second Lieutenant George G. Waggaman to be first lieutenant, 15th February, 1838, vice Chalmers, dropped.

Second Regiment of Artillery.

First Lieutenant William C. De Hart to be captain, 3d April, 1838, vice Mountfort, resigned.

Second Lieutenant Roland A. Luther to be first lieutenant, 3d April, 1838, vice De Hart, promoted.

Third Regiment of Artillery.

Second Lieutenant Thomas W. Sherman to be first lieutenant, 14th March, 1838, vice Church, resigned.

Fourth Regiment of Infantry.

Second Lieutenant Henry L. Scott to be first lieutenant, 1st March, 1838, vice Howe, resigned.

Pay Department.

Nathan Towson, Paymaster-General, to be reappointed, to take effect the 8th May, 1838, when his present commission will expire.

David S. Townsend, paymaster, to be reappointed, to take effect 29th April, 1838, when his present commission will expire.

Timothy P. Andrews, paymaster, to be reappointed, to take effect 22d May, 1838, when his present commission will expire.

R. JONES,
Adj't Gen'l.

To the Senate of the United States:

I nominate Daniel Burrows to be surveyor for the district and inspector of the revenue for the port of Middletown, in the State of Connecticut, from the 22d day of May, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, May 1st, 1838.

To the Senate of the United States:

I nominate John Howard to be naval officer for the district of Charleston, in the State of South Carolina, vice Charles I. Steedman, deceased.

M. VAN BUREN.

WASHINGTON, May 5th, 1838.

I nominate to the Senate Jacob H. D. Meza to be consul of the United States for the island of Curaçao.

M. VAN BUREN.

WASHINGTON, May 7th, 1838.

To the Senate of the United States:

I transmit to the Senate, for their consideration with a view to its ratification, a convention between the United States and the Republic of Texas for marking the boundary between them, signed in this city by the plenipotentiaries of the parties on the twenty-fifth instant.

M. VAN BUREN.

WASHINGTON, 27th April, 1838.

To the Senate of the United States :

I transmit to the Senate, for their consideration, with a view to its ratification, a convention signed at Houston, on the 11th ult., by Aléeé La Branche, chargé d'affaires of the United States, and R. A. Irion, secretary of state of the Republic of Texas, stipulating for the adjustment and satisfaction of claims of citizens of the United States on that Government in the cases of the brigs *Pocket* and *Durango*. This convention having been concluded in anticipation of the receipt from the Department of a formal power for that purpose, an extract from a dispatch of Mr. La Branche to the Secretary of State, explanatory of his motives for that act, is also transmitted for the information of the Senate.

M. VAN BUREN.

WASHINGTON, 7th May, 1838.

The messages were read.

Ordered, That the nominations of Henry P. Sturgis, Byrd Braiden, Daniel Burrows, Jacob H. D. Meza, and John Howard be severally referred to the Committee on Commerce.

Ordered, That the nomination of J. R. Wilson be referred to the Committee on Naval Affairs.

Ordered, That the nominations for reappointments and promotions in the Army be referred to the Committee on Military Affairs.

The treaties with the Republic of Texas for the establishment of the boundary between the United States and that Republic, and for satisfying reclamations by the United States on that Government on account of injuries sustained by American citizens, were severally read twice, by unanimous consent.

On motion by Mr. Buchanan,

Ordered, That the said treaties be severally referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate.

Mr. Swift presented a document containing remarks of the Indian committee of the Society of Friends adverse to the treaty lately concluded with the New York Indians at Buffalo.

Mr. White presented a memorial of sundry chiefs and headmen of the Oneida Indians, and a petition of sundry citizens of Chautauqua County, in the State of New York, adverse to said treaty; and,

On motion by Mr. White,

Ordered, That the said remarks, memorial, and petition be severally referred to the Committee on Indian Affairs, and, with the memorial of sundry citizens of Cattaraugus and Erie Counties, New York, on the same subject, presented on the 5th of April last, be printed in confidence for the use of the Senate.

Mr. King, from the Committee on Commerce, to whom were referred, on the 23d of April last, the nominations of Archibald Clark and John P. Osborne, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Archibald Clark and John P. Osborne, agreeably to their nominations respectively.

THURSDAY, MAY 10, 1838.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States :

I withdraw the nomination of John Howard to be naval officer for the district of Charleston, in the State of South Carolina, vice Charles

I. Steedman, deceased, and nominate Robert Howard for the same office, the latter being the name of the person intended.

M. VAN BUREN.

WASHINGTON, May 8th, 1838.

The message was read.

Ordered, That the nomination of Robert Howard be referred to the Committee on Commerce.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 7th instant, the treaty with the Republic of Texas for the establishment of the boundary between the United States and that Republic, reported the same without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the said treaty; and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution:

Resolved (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the convention between the United States of America and the Republic of Texas for marking the boundary between them, concluded at Washington the 25th day of April, 1838.

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, { Yeas 34
Nays 3

Those who voted in the affirmative are,

Messrs. Allen, Buchanan, Calhoun, Clay of Alabama, Crittenden, Davis, Fulton, King, Knight, Lumpkin, Merrick, Mouton, Nicholas, Niles, Pierce, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Tallmadge, Tipton, Trotter, Wall, Webster, White, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Benton, Morris, Norvell.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred, on the 7th instant, the nomination of J. R. Wilson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of J. R. Wilson, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 7th instant, the nominations of Henry P. Sturgis and Daniel Burrows, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Henry P. Sturgis and Daniel Burrows, agreeably to their nominations respectively.

On motion by Mr. White,

Ordered, That the Secretary of the Senate be authorized to furnish to the Commissioner of Indian Affairs one copy of each of the documents printed in confidence, or which may hereafter be printed in confidence, in relation to the treaties lately concluded with the New York Indians, with copies of the said treaties.

SATURDAY, MAY 12, 1838.

On motion by Mr. Benton, and by unanimous consent, the Senate proceeded to consider the nomination of Finis Ewing, which was referred to the Committee on Public Lands on the 23d of April last; and,

On motion by Mr. Benton,

Resolved, That the Senate advise and consent to the appointment of Finis Ewing, agreeably to the nomination.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 23d of April last, the treaty with the First Christian and Orchard parties of the Oneida Indians, reported the same without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the said treaty; and no amendment having been made thereto, it was reported to the Senate.

Mr. White submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty made at the city of Washington on the 3d day of February, 1838, between Carey A. Harris, thereto specially directed by the President of the United States, and the First Christian and Orchard parties of the Oneida Indians, residing at Green Bay, by their chiefs and representatives.

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, yeas 33.

Those who voted are,

Messrs. Allen, Benton, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, Trotter, White, Williams, Young.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. King, from the Committee on Commerce, to whom was referred, on the 10th instant, the nomination of Robert Howard, reported.

Whereupon, after debate,

Resolved, That the Senate advise and consent to the appointment of Robert Howard, agreeably to the nomination.

TUESDAY, MAY 15, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons to be deputy postmasters at the several places named, the commissions allowed to each of the postmasters having exceeded one thousand dollars for the year ending on the 30th of June, 1837, viz:

Preston King at Ogdensburg, New York.

Caleb L. Allen at New London, Connecticut.

I. J. M. Lindsay at Greensborough, N. Carolina.

I also nominate for your advice and consent Henry O'Reilly to be deputy postmaster at Rochester, in the State of New York, from and after the 30th day of June next, in place of John B. Elwood, resigned.

M. VAN BUREN.

I nominate Thomas N. Carr, of New York, for the appointment of consul of the United States for the Empire of Morocco.

M. VAN BUREN.

WASHINGTON, *May 11th, 1838.*

To the Senate of the United States:

I nominate Volney E. Howard to be surveyor-general of public lands for the district south of Tennessee, vice Henry S. Foote, resigned.

M. VAN BUREN.

WASHINGTON, *May 14th, 1838.*

The messages were read.

Ordered, That the nominations of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nomination of Thomas N. Carr be referred to the Committee on Commerce.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Volney E. Howard.

On motion by Mr. Trotter,

Resolved, That the Senate advise and consent to the appointment of Volney E. Howard, agreeably to the nomination.

On motion by Mr. Clay, of Alabama,

Ordered, That the Committee on Public Lands be discharged from the consideration of William Wright and John Killian, which were referred to that committee on the 4th and 23d of April last.

On motion by Mr. Benton,

Resolved, That the Senate advise and consent to the appointment of William Wright, agreeably to the nomination.

On motion by Mr. Nicholas,

Resolved, That the Senate advise and consent to the appointment of John Killian, agreeably to the nomination.

Mr. Rives, from the Committee on Naval Affairs, to whom was referred, on the 16th of April last, the nomination of John Laighton, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Laighton, agreeably to the nomination.

THURSDAY, MAY 24, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate John Chew to be surveyor and inspector of the revenue for the port of Havre de Grace, in the State of Maryland, from the 10th of the present month, when his late commission expired.

M. VAN BUREN.

WASHINGTON, *May 16th, 1838.*

To the Senate of the United States:

I nominate Ezekiel McConnell to be register of the land office for the district of lands subject to sale at Crawfordsville, in the State of Indiana, vice Charles Tyler, whose commission will expire on the 12th of June, 1838.

M. VAN BUREN.

WASHINGTON, *May 16th, 1838.*

To the Senate of the United States:

I nominate John C. Avery to be receiver of public moneys for the district of lands subject to sale at Cincinnati, in the State of Ohio, vice Morgan Neville, whose commission will expire on the 25th of the present month.

M. VAN BUREN.

WASHINGTON, *May 16th, 1838.*

To the Senate of the United States:

I nominate to the Senate Harry Wilton to be marshal of the United States for the district of Illinois, for four years from the 12th day of June next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *May 18th, 1838.*

To the Senate of the United States:

I nominate Richard G. Banks to be surveyor and inspector of the revenue for the port of Hampton, in the State of Virginia, vice John S. Westwood, deceased.

M. VAN BUREN.

WASHINGTON, *May 18th, 1838.*

To the Senate of the United States:

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively affixed to their names, viz:

Benjamin Stickney to be naval officer for the district of Newburyport, in the State of Massachusetts, from the 12th of June, 1838.

James W. Breedlove to be collector of the customs for the district of Mississippi, in the State of Louisiana, from the 14th of June, 1838.

Phineas W. Leland to be collector of the customs for the district and inspector of the revenue for the port of Fall River, in the State of Massachusetts, from the 18th of June, 1838.

Archer Gifford to be collector of the customs for the district and inspector of the revenue for the port of Newark, in the State of New Jersey, from the 30th of June, 1838.

Morris Croxall to be surveyor and inspector of the revenue for the port of Camden, in the State of New Jersey, from the 30th of June, 1838.

William Batterson to be surveyor and inspector of the revenue for the port of Madisonville, in the State of Louisiana, from the 1st of July, 1838.

M. VAN BUREN.

WASHINGTON, *May 18th, 1838.*

To the Senate of the United States:

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively affixed to their names, viz:

Peter T. Crutchfield to be receiver of public moneys for the district of lands subject to sale at Little Rock, in the State of Arkansas, from the 16th of June, 1838.

B. Z. Cononge to be register of the land-office for the district of lands subject to sale at New Orleans, in the State of Louisiana, from the 23d of June, 1838.

John P. Sheldon to be register of the land-office for the district of lands subject to sale at Mineral Point, in the Territory of Wisconsin, from the 30th of June, 1838.

M. VAN BUREN.

WASHINGTON, *May 18th, 1838.*

To the Senate of the United States:

I nominate Nicholas Baylis to be register of the land-office for the district of lands subject to sale at Greensburg, in the State of Louisiana, vice John Killian, who declines a reappointment.

M. VAN BUREN.

WASHINGTON, *May 18th, 1838.*

To the Senate of the United States:

I nominate Thomas S. Wayne to be surveyor for the district and inspector of the revenue for the port of Savannah, in the State of Georgia, vice John Shellman, deceased.

M. VAN BUREN.

WASHINGTON, *May 19th, 1838.*

To the Senate of the United States:

I nominate John C. Alexander to be register of the land-office for the district of lands subject to sale at Danville, in the State of Illinois, from the 12th day of June, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *May 19th, 1838.*

To the Senate of the United States:

I nominate Thomas S. Singleton to be collector of the customs for the district and inspector of the revenue for the port of Newbern, in the State of North Carolina, from the 23d of June, 1838, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *May 19th, 1838.*

I nominate to the Senate Ferdinand E. Hassler to be consul of the United States for the port of Panama.

M. VAN BUREN.

WASHINGTON, *May 21st, 1838.*

The messages were read.

Ordered, That the nominations of John Chew, Richard G. Banks, Benjamin Stickney, James W. Breedlove, Phineas W. Leland, Archer Gifford, Morris Croxall, William Batterson, Thomas S. Singleton, Thomas S. Wayne, and Ferdinand E. Hassler be severally referred to the Committee on Commerce.

Ordered, That the nominations of Ezekiel McConnell, John C. Avery, B. Z. Cononge, and John P. Sheldon be severally referred to the Committee on Public Lands.

The Senate proceeded, by unanimous consent, to the consideration of the nominations of Harry Wilton, Peter T. Crutchfield, Nicholas Baylis, and John C. Alexander, respectively.

On motion by Mr. Grundy,

Resolved, That the Senate advise and consent to the appointment of Harry Wilton, agreeably to the nomination.

On motion by Mr. Fulton,

Resolved, That the Senate advise and consent to the appointment of Peter T. Crutchfield, agreeably to the nomination.

On motion by Mr. Clay, of Alabama,

Resolved, That the Senate advise and consent to the appointment of Nicholas Baylis, agreeably to the nomination.

On motion by Mr. Robinson,

Resolved, That the Senate advise and consent to the appointment of John C. Alexander agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 7th instant, the nominations of Nathan Towson, David S. Townsend, and Timothy P. Andrews, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Nathan Towson, David S. Townsend, and Timothy P. Andrews, agreeably to their nominations respectively.

Mr. Fulton, from the Committee on Public Lands, to whom were referred, on the 20th of February and 23d of April last, the nominations of Isaac McFarren, Joel H. Haden, William Bickham, and Joseph H. Larwill, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Isaac McFarran, Joel H. Haden, William Bickham, and Joseph H. Larwill, agreeably to their nominations respectively.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 15th instant, the nominations of Preston King, Caleb I. Allen, I. J. M. Lindsay, and Henry O'Reilly, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Preston King, Caleb I. Allen, I. J. M. Lindsay, and Henry O'Reilly, agreeably to the nominations respectively.

Mr. King, from the Committee on Commerce, to whom was referred, on the 15th instant, the nomination of Thomas N. Carr, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas N. Carr, agreeably to the nomination.

THURSDAY, MAY 31, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate Nathaniel P. Causin to be judge of the orphans' court for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, May 23d, 1838.

To the Senate of the United States :

I nominate David Geisinger, now a commander, to be a captain in the Navy from this date, to supply a vacancy occasioned by the death of M. T. Woolsey.

William Inman, now a lieutenant, to be a commander in the Navy from this date, to fill the vacancy occasioned by the promotion of David Geisinger.

William I. H. Robertson, now a passed midshipman, to be a lieutenant in the Navy from this date, to fill the vacancy occasioned by the promotion of William Inman.

M. VAN BUREN.

WASHINGTON, *May 24th, 1838.*

Gentlemen of the Senate:

I nominate for your advice and consent Philip Dorsheimer to be deputy postmaster at Buffalo, in the State of New York, in place of Orange H. Dibble, removed.

M. VAN BUREN.

WASHINGTON, *May 24th, 1838.*

To the Senate of the United States:

I nominate Lieutenant-Colonel William S. Foster, of the 4th Regiment of Infantry, to be colonel by brevet for distinguished services in Florida, and particularly in the battle of the Kissimee, to take rank from the 25th of December, 1837.

M. VAN BUREN.

I nominate to the Senate Stephen H. Weems, of Maryland, to be consul of the United States for the port of Guatemala, in the place of Charles Savage, resigned.

M. VAN BUREN.

WASHINGTON, *May 28th, 1838.*

To the Senate of the United States:

I nominate John C. Holland, of New York, to be a purser in the Navy.

M. VAN BUREN.

WASHINGTON, *May 28th, 1838.*

To the Senate of the United States:

I nominate James A. Girault to be receiver of public moneys for the district of lands subject to sale at Chocchuma, in the State of Mississippi, vice Edward B. Grayson, resigned.

M. VAN BUREN.

WASHINGTON, *May 28th, 1838.*

The messages were read.

Ordered, That the nomination of Nathaniel P. Causin be referred to the Committee on the Judiciary.

Ordered, That the nomination of Philip Dorsheimer be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nomination of William S. Foster be referred to the Committee on Military Affairs.

Ordered, That the nomination of Stephen H. Weems be referred to the Committee on Commerce.

Ordered, That the nominations of David Geisinger, William Inman, William I. H. Robertson, and John C. Holland be referred to the Committee on Naval Affairs.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of James A. Girault.

On motion by Mr. Trotter,

Resolved, That the Senate advise and consent to the appointment of James A. Girault, agreeably to the nomination.

Mr. Fulton, from the Committee on Public Lands, to whom were referred, on the 24th instant, the nominations of Ezekiel McConnell, John C. Avery, B. Z. Cononge, and John P. Sheldon, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Ezekiel McConnell, John C. Avery, B. Z. Cononge, and John P. Sheldon, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom were referred, on the 24th instant, the nominations of John Chew, Richard G. Banks, Thomas S. Wayne, Thomas S. Singleton, Benjamin Stickney, James W. Breedlove, Phineas W. Leland, Archer Gifford, Morris Croxall, and William Batterson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Chew, Richard G. Banks, Thomas S. Wayne, Thomas S. Singleton, Benjamin Stickney, James W. Breedlove, Phineas W. Leland, Archer Gifford, Morris Croxall, and William Batterson, agreeably to their nominations respectively.

FRIDAY, JUNE 1, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate George Conway to be register of the land office for the district of lands subject to sale at Washington, in the State of Arkansas, from the 16th of June, 1838, when his commission will expire.

M. VAN BUREN.

WASHINGTON, May 30th, 1838.

The message was read.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of George Conway.

On motion by Mr. Fulton,

Resolved, That the Senate advise and consent to the appointment of George Conway, agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 31st of May, the nomination of William S. Foster, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion of William S. Foster, agreeably to the nomination.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 31st May, the nominations of David Geisinger, William Inman, William I. H. Robertson, and John C. Holland, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of David Geisinger, William Inman, William I. H. Robertson, and John C. Holland, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom was referred, on the 7th of May, the nomination of Byrd Brandon, reported the following resolution:

Resolved, That the Senate advise and consent to the appointment of Byrd Brandon, agreeably to the nomination.

After debate, on the question to agree thereto,

It was determined in the affirmative, { Yeas 17
Nays 12

On motion by Mr. White,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton,
Hubbard, King, Lumpkin, Nicholas, Niles, Norvell, Pierce, Smith of
Connecticut, Strange, Wall, Wright.

Those who voted in the negative are.

Messrs. Clay of Kentucky, Crittenden, Davis, McKean, Merrick, Rob-
bins, Smith of Indiana, Southard, Spence, Swift, Tipton, White.

TUESDAY, JUNE 5, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Jacob T. Bradford to be register of the land office for the district of lands subject to sale at Mardisville, in the State of Alabama, from the 16th of the present month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, June 4th, 1838.

To the Senate of the United States:

I nominate Ezekiel P. Haines to be surveyor-general of public lands for the district of Ohio, Indiana, and Michigan, vice Robert T. Lytle, resigned.

M. VAN BUREN.

WASHINGTON, June 5th, 1838.

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Jacob T. Bradford.

On motion by Mr. Clay, of Alabama,

Resolved, That the Senate advise and consent to the appointment of Jacob T. Bradford, agreeably to the nomination.

Ordered, That the nomination of Ezekiel P. Haines be referred to the Committee on Public Lands.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 31st of May, the nomination of Nathaniel P. Causin, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Nathaniel P. Causin, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 7th and 24th of May, the nominations of Jacob H. D. Meza and Ferdinand E. Hassler, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Jacob H. D. Meza and Ferdinand E. Hassler, agreeably to their nominations respectively.

WEDNESDAY, JUNE 6, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate J. C. Pickett to be chargé d'affaires of the United States near the Government of the Peru-Bolivian Confederation, in the place of James B. Thornton, deceased.

M. VAN BUREN.

WASHINGTON, *June 6th, 1838.*

I nominate to the Senate Aaron O. Dayton to be Fourth Auditor of the Treasury Department, in the place of J. C. Pickett.

M. VAN BUREN.

WASHINGTON, *June 6th, 1838.*

To the Senate of the United States:

I nominate David E. Owen to be receiver of public moneys for the district of lands subject to sale by the treaty with the Wyandot Indians, dated 23d April, 1836, vice Alexander Long, deceased.

M. VAN BUREN.

WASHINGTON, *June 6th, 1838.*

The messages were read.

Ordered, That the nomination of J. C. Pickett be referred to the Committee on Foreign Relations.

Ordered, That the nomination of Aaron O. Dayton be referred to the Committee on Finance.

Ordered, That the nomination of David E. Owen be referred to the Committee on Public Lands.

Mr. Fulton, from the Committee on Public Lands, to whom was referred, on the 5th instant, the nomination of Ezekiel P. Haines, reported the following resolution:

Resolved, That the Senate advise and consent to the nomination of Ezekiel P. Haines, agreeably to the nomination.

After debate, on the question to agree thereto,

It was determined in the affirmative, { Yeas 22
Nays 12

On motion by Mr. Davis,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Clay of Alabama, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Wall, Williams.

Those who voted in the negative are,

Messrs. Clay of Kentucky, Clayton, Davis, Merrick, Prentiss, Smith of Indiana, Spence, Swift, Tallmadge, Tipton, White, Young.

FRIDAY, JUNE 8, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate John Law to be receiver of public moneys for the district of lands subject to sale at Vincennes, Ind'a, from the thirtieth day of June next, when the commission of Jas. P. Drake will expire.

M. VAN BUREN.

MAY, 1838.

To the Senate of the United States:

I nominate David K. Shenck to be collector of the customs for the district and inspector of the revenue for the port of Perth Amboy, in the State of New Jersey, vice Joseph W. Reckless, whose commission will expire on the 23d of the present month.

M. VAN BUREN.

WASHINGTON, June 1st, 1838.

I nominate to the Senate James Marshall and Edward Mattingly to be justices of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, June 7th, 1838.

To the Senate of the United States:

Having received satisfactory assurances from the Government of Ecuador of its desire to negotiate a treaty of commerce on the most liberal principles, in place of the expired treaty made with the Republic of Colombia, heretofore regulating our intercourse with Ecuador, it is my design to give the requisite authority for that purpose to the chargé d'affaires of the United States about to be appointed for Peru, with instructions to stop in Ecuador on his way to Lima as the agent of the United States to accomplish that object. The only additional charges to be incurred will be the expense of his journey from Panama to Quito, and from thence to the place of embarkation for Lima, to be paid out of the foreign intercourse fund. I make this communication to the Senate, that an opportunity may be afforded for the expression of an opinion, if it shall be deemed necessary, on the exercise of such a power by the Executive without applying to the Senate for its approbation and consent. In debate it has been sometimes asserted that this power, frequently exercised without question or complaint and leading to no practical evil, as no arrangement made under such circumstances can be obligatory upon the United States without being submitted to the approbation of the Senate, is an encroachment upon its rightful authority. It appears to have been considered that the annual appropriation of a gross sum for the expenses of foreign intercourse is intended, among other objects, to provide for the cost of such agencies, and that the authority granted is the same as that frequently given to the Secretary of State to form treaties with the representatives or agents of foreign Governments, upon the granting of which the Senate never have been consulted.

Desiring in this and in all other instances to act with the most cautious respect to the claims of other branches of the Government, I bring this subject to the notice of the Senate, that if it shall be deemed proper to raise any question, it may be discussed and decided before and not after the power shall have been exercised.

M. VAN BUREN.

WASHINGTON, 7th June, 1838.

The messages were read.

Ordered, That the nomination of John Law be referred to the Committee on Public Lands.

Ordered, That the nomination of David K. Shenck be referred to the Committee on Commerce.

Ordered, That the nominations of James Marshall and Edward Mattingly be referred to the Committee on the District of Columbia.

Ordered, That the message on the subject of empowering a diplomatic agent to negotiate a treaty of commerce with the Government of Ecuador be referred to the Committee on Foreign Relations.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom was referred, on the 31st of May, the nomination of Philip Dorsheimer, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Philip Dorsheimer, agreeably to the nomination.

SATURDAY, JUNE 9, 1838.

Mr. White, from the Committee on Indian Affairs, to whom were referred, on the 23d of April last, the treaty concluded with the New York Indians at Buffalo on the 15th of January, 1838, and the supplemental article thereto, concluded at St. Regis, on the 13th of February, 1838, reported the same with amendments to the treaty.

The Senate proceeded, as in Committee of the Whole, to the consideration of the said treaty and supplemental article.

On motion by Mr. Southard,

Ordered, That the several amendments aforesaid be printed in confidence for the use of the Senate.

Mr. White, from the Committee on Indian Affairs, to whom were referred, on the 19th December last, the treaties with the Chippewa, Sioux, and Winnebago Indians, reported them severally without amendment.

These treaties were severally read the second time.

Mr. Tallmadge, from the Committee on Foreign Relations, to whom was referred, on the 6th instant, the nomination of J. C. Pickett, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of J. C. Pickett, agreeably to the nomination.

Mr. Fulton, from the Committee on Public Lands, to whom was referred, on the 8th instant, the nomination of John Law, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Law, agreeably to the nomination.

Mr. Wright, from the Committee on Finance, to whom was referred, on the 6th instant, the nomination of Aaron O. Dayton, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Aaron O. Dayton, agreeably to the nomination.

MONDAY, JUNE 11, 1838.

Mr. Tallmadge presented the memorial and remonstrance of the yearly meeting of the Society of Friends, in New York, adverse to the treaty lately made with the New York Indians at Buffalo.

On motion by Mr. Tallmadge,

Ordered, That it be laid on the table.

On motion by Mr. Linn,

The Senate proceeded, as in Committee of the Whole, to the consideration of the treaty with the Winnebago Indians.

On motion by Mr. Sevier to amend the treaty, by striking out the first clause of the fourth article, in the following words:

"First. To set apart the sum of two hundred thousand dollars (\$200,000) for the following purposes:

"To pay to the individuals herein named the sum specified for each: To Nicholas Boilvin, six thousand dollars (\$6,000); to the other four children of Nicholas Boilvin, formerly agent for said nation, four thousand dollars (\$4,000) each; to Catharine Myott, one thousand dollars (\$1,000); to Hyacinthe St. Cyr, one thousand dollars (\$1,000); to the widow of Henry Gratiot, late sub-agent of the nation, in trust for her eight children, ten thousand dollars (\$10,000); to H. L. Dousman, in trust for the children of Pierre Paquette, late interpreter for the nation, three thousand dollars (\$3,000); to Joseph Brisbois, two thousand dollars (\$2,000); to Satterlee Clark, junior, two thousand dollars (\$2,000); to John Roy, two thousand dollars (\$2,000); to Antoine Grignon, two thousand dollars (\$2,000); to Jane F. Rolette, two thousand dollars (\$2,000); to George Fisher, one thousand dollars (\$1,000); to Therese Roy, one thousand dollars (\$1,000); to Domitille Brisbois, one thousand dollars (\$1,000). These sums are allowed at the earnest solicitation of the chiefs and delegates for supplies and services to the nation afforded by these individuals.

"The balance of the above sum of two hundred thousand dollars (\$200,000) shall be applied to the debts of the nation, which may be ascertained to be justly due, and which may be admitted by the Indians: *Provided*, That if all their just debts shall amount to more than this balance, their creditors shall be paid *pro rata*, upon their giving receipts in full; and if the just debts shall fall short of said balance, the residue of it shall be invested for the benefit of the nation: *And provided, also*, That no claim for depredations shall be paid out of said balance."

And in lieu thereof to insert the following:

The United States agree to pay \$200,000, to be applied to the payment of the debts of the nation which may be justly due and admitted as such by the Indians and the Superintendent of Indian Affairs; and if their just debts, thus admitted, shall amount to more than the sum of \$200,000, their creditors shall be paid pro rata upon their giving receipts in full, and if the just debts of the nation, to be ascertained as aforesaid, shall fall short of the \$200,000, the residue shall be invested as provided for in the 9th clause of the 4th article.

The question was stated, Shall the words proposed to be stricken out, stand as part of the article?"?

And

It was determined in the affirmative, { Yeas 32
Nays 11

Those who voted in the affirmative are,

Messrs. Allen, Bayard, Benton, Buchanan, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Niles, Norvell, Rives, Robbins, Robinson, Ruggles, Smith of Connecticut, Spence, Tallmadge, Trotter, Wall, Webster, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Calhoun, Clay of Alabama, Clay of Kentucky, Pierce, Sevier, Smith of Indiana, Southard, Strange, Swift, Tipton, White.

No amendment having been made, the treaty was reported to the Senate.

Mr. White submitted the following resolution:

Resolved, That the Senate do not advise and consent to the ratifica-

tion of the treaty made at the city of Washington, between Carey A. Harris, thereto specially directed by the President of the United States, and the Winnebago Nation of Indians, by their chiefs and delegates, on the 1st of November, 1837.

The Senate proceeded, by unanimous consent, to the consideration of said resolution.

On motion by Mr. Webster, to amend the same by striking out the word *not* it was agreed to.

The question being then taken on agreeing to the resolution as amended,

It was determined in the affirmative, { Yeas 35
Nays 9

Those who voted in the affirmative are,

Messrs. Allen, Bayard, Benton, Buchanan, Clay of Alabama, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, McLean, Merrick, Morris, Mouton, Nicholas, Niles, Norvell, Rives, Robbins, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Spence, Tallmadge, Trotter, Wall, Webster, Williams, Wright, Young.

Those who voted in the negative are,

Calhoun, Clay of Kentucky, Pierce, Sevier, Southard, Strange, Swift, Tipton, White.

So it was

Resolved (two-thirds of the Senators present concurring), That the Senate do advise and consent to the ratification of the treaty made at the city of Washington between Carey A. Harris, thereto specially directed by the President of the United States, and the Winnebago Nation of Indians, by their chiefs and delegates, on the 1st of November, 1837.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. White, the Senate proceeded as in Committee of the Whole to the consideration of the treaty with the Sioux Indians.

On motion by Mr. Tipton, to amend the treaty by striking out the second, third, fourth, fifth, sixth, and seventh clauses of the second article, in the following words:

“Second. To pay to the relatives and friends of the chiefs and braves, as aforesaid, having not less than one-quarter of Sioux blood, \$110,000 (one hundred and ten thousand dollars), to be distributed by the proper authorities of the tribe upon principles to be determined by the chiefs and braves signing this treaty and the War Department.

“Third. To apply the sum of \$90,000 (ninety thousand dollars) to the payment of just debts of the Sioux Indians interested in the lands here-with ceded.

“Fourth. To pay to the chiefs and braves, as aforesaid, an annuity for twenty years of \$10,000 (ten thousand dollars) in goods, to be purchased under the direction of the President, and delivered at the expense of the United States.

“Fifth. To expend annually, for twenty years, for the benefit of Sioux Indians, parties to this treaty, the sum of \$8,250 (eight thousand two hundred and fifty dollars) in the purchase of medicine, agricultural implements, and stock, and for the support of a physician, farmers, and blacksmiths, and for other beneficial objects.

“Sixth. In order to enable the Indians aforesaid to break up and improve their lands the United States will supply, as soon as practicable after the ratification of this treaty, agricultural implements, mechanics’ tools, cattle, and such other articles as may be useful to them to an amount not exceeding \$10,000 (ten thousand dollars).

"Seventh. To expend annually, for twenty years, the sum of \$5,500 (five thousand five hundred dollars) in the purchase of provisions, to be delivered at the expense of the United States."

And in lieu thereof to insert the following:

The United States also agree to pay the Sioux tribe of Indians a further sum of \$800,000, two hundred thousand dollars to be expended under the direction of the President of the United States, in erecting mills, shops, and school-houses, and in the purchase of domestic animals, farming utensils, in teaching the Indians the mechanic arts, and to aid them in cultivating the soil. The balance, \$600,000, to be paid to the Sioux people in equal annual instalments of \$20,000.

The United States also agrees to pay to the Sioux tribe of Indians a further sum of \$800,000, two hundred thousand dollars to be expended under the direction of the President of the United States, in erecting mills, shops and school houses, and in the purchase of domestic animals, farming utensils, in teaching the Indians the mechanic arts, and to aid them in cultivating the soil. The balance, \$600,000, to be paid to the Sioux people in equal annual instalments of \$20,000.

The question was stated, Shall the words proposed to be stricken out stand as part of the article?

And it was determined in the affirmative, { Yeas..... 23
Nays..... 7

Those who voted in the affirmative are,

Messrs. Allen, Benton, Buchanan, Cuthbert, Fulton, Grundy, Hubbard, Knight, Linu, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Rives, Robinson, Smith of Connecticut, Strange, Tallmadge, Trotter, Wright, Young.

Those who voted in the negative are,

Messrs. Clay of Kentucky, Ruggles, Sevier, Smith of Indiana, Swift, Tipton, White.

On motion by Mr. White, to amend the treaty by striking out the ninth clause of the second article, and the third article, in the following words:

"Ninth. To pay to Scott Campbell, the interpreter accompanying the delegation, in consideration of valuable service rendered by him to the Sioux, the sum of \$450 (four hundred and fifty dollars) annually for twenty years.

"Article 3. It is further stipulated and agreed that the said Scott Campbell shall be secured in the quiet possession of the tract of land on the west side of the Mississippi, about one mile and a half below Fort Snelling, supposed to contain about five hundred acres, and upon which he now resides."

The question was stated, Shall the words proposed to be stricken out stand as part of the treaty?

And it was determined in the negative, { Yeas..... 2
Nays..... 30

Those who voted in the affirmative are,

Mr. Mouton, Mr. Young.

Those who voted in the negative are,

Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, Linu, Lumpkin, Lyon, Nicholas, Niles, Norvell, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Strange, Swift, Tallmadge, Tipton, Trotter, Wall, White, Williams, Wright.

No further amendment having been made, the treaty was reported to the Senate and the amendment was concurred in.

Mr. White submitted the following resolution:

Resolved, That the Senate do not advise and consent to the ratification of the treaty made at the city of Washington between Joel R. Poinsett, thereto specially authorized by the President of the United States, and certain chiefs and braves of the Sioux Nation of Indians on the 29th of September, 1837.

The Senate proceeded, by unanimous consent, to the consideration of said resolution.

On motion by Mr. Buchanan to amend the same by striking out the word "not," it was agreed to.

The question being then taken on the resolution, as amended, to embrace the amendment agreed to in Committee of the Whole,

It was determined in the affirmative, { Yeas..... 25
Nays..... 6

Those who voted in the affirmative are,

Messrs. Allen, Bayard, Benton, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Robinson, Smith of Connecticut, Smith of Indiana, Spence, Tallmadge, Tipton, Trotter, Wall, Williams, Wright.

Those who voted in the negative are,

Messrs. Mouton, Sevier, Strange, Swift, White, Young.

So it was

Resolved (two-thirds of the Senators present concurring), That the Senate do advise and consent to the ratification of the treaty made at the city of Washington between Joel R. Poinsett, thereto specially authorized by the President of the United States, and certain chiefs and braves of the Sioux Nation of Indians on the 29th of September, 1837, with the following amendments, viz:

Strike out the ninth clause of the second article and the third article in the following words:

"Ninth. To pay to Scott Campbell, the interpreter accompanying the delegation, in consideration of valuable services rendered by him to the Sioux, the sum of \$450 (four hundred and fifty dollars) annually for twenty years.

"ARTICLE 3. It is further stipulated and agreed that the said Scott Campbell shall be secured in the quiet possession of the tract of land on the west side of the Mississippi, about one mile and a half below Fort Snelling, supposed to contain about five hundred acres, and upon which he now resides."

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. White,

The Senate proceeded, as in Committee of the Whole, to the consideration of the treaty with the Chippewa Indians.

On motion by Mr. White, to amend the treaty by striking out the fourth article, in the following words:

"ARTICLE 4. The sum of seventy thousand dollars shall be applied to the payment by the United States of certain claims against the Indians; of which amount twenty-eight thousand dollars shall, at their request, be paid to William A. Aitkin, twenty-five thousand to Lyman N. Warren, and the balance applied to the liquidation of other just demands against them, which they acknowledge to be the case with regard to that presented by Hercules L. Dousman for the sum of five thousand dollars, and they request that it be paid."

And to insert the following in lieu thereof:

ARTICLE 4. *The sum of seventy thousand dollars is hereby agreed to be*

paid to said Indians, to enable them to pay any just debts they may owe to citizens of the United States, which debts are to be ascertained by the Indians, with such aid as their agent or superintendent can give them. If said sum will not pay the whole amount of said debts, they shall be paid pro rata. If said sum is more than sufficient, the surplus shall be paid to the Indians for their own use.

The question was then stated, Shall this article stand as part of the treaty?

And

It was determined in the affirmative, { Yeas..... 25
Nays 10

Those who voted in the affirmative are,

Messrs. Allen, Bayard, Benton, Buchanan, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Rives, Robinson, Ruggles, Smith of Connecticut, Strange, Trotter, Wall, Webster, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Calhoun, Clay of Alabama, Morris, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Tipton, White.

No amendment having been made, the treaty was reported to the Senate.

Mr. Hubbard submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty made and concluded at St. Peter's (the confluence of the St. Peter's and Mississippi Rivers), in the Territory of Wisconsin, between the United States of America, by their commissioner, Henry Dodge, governor of said Territory, and the Chippewa Nation of Indians, by their chiefs and headmen, on the 29th of July, 1837.

The Senate proceeded, by unanimous consent, to the consideration of said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas..... 25
Nays 3

Those who voted in the affirmative are,

Messrs. Allen, Benton, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Mouton, Nicholas, Niles, Norvell, Rives, Robinson, Ruggles, Strange, Tallmadge, Trotter, Wall, Webster, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Swift, Tipton, White.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. White,

The Senate resumed, as in Committee of the Whole, the consideration of the treaty with the New York Indians, and the article supplemental thereto.

On motion by Mr. Wright, and by unanimous consent, the question was taken on agreeing to the amendments reported from the Committee on Indian Affairs,

And determined in the affirmative, yeas 33.

Those who voted are,

Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Davis, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Prentiss, Rives, Robinson, Ruggles, Smith of In-

diana, Southard, Swift, Tallmadge, Tipton, Trotter, Wall, Webster, White, Williams, Wright, Young.

No further amendment having been made, the treaty was reported to the Senate and the amendments were unanimously concurred in.

Mr. White then submitted the following resolution of ratification, embracing the amendments as reported from the committee and adopted by the Senate:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty made and concluded at Buffalo Creek, in the State of New York, the 15th day of January, in the year of our Lord 1838, by Ransom H. Gillett, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of the New York Indians, assembled in council, with the following amendments:

Strike out of article 2, after the word "computed," in line 29, the following words:

"To have and to hold the same in fee-simple forever, by patent from the President of the United States, with full power and authority to divide the same among the members of the different tribes in severalty, with power and authority to sell among each other and their Indian brethren of the Indian Territory, under such laws and regulations as may be adopted by the respective tribes themselves, or by a general council of the New York Indians."

Insert the following in lieu of the above stricken out:

To have and to hold the same in fee-simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," approved on the 28th day of May, 1830, with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands of New York Indians, or among the members of said tribes, nations, or bands, in severalty, with the right to sell and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves, or by a general council of the said New York Indians, acting for all the tribes collectively.

Strike out, in line 45 of the 2d article, the words "and at Green Bay."

Strike out after the word "annexed," in line 48, the residue of the second article, in the following words:

"It is further agreed that if the United States, by any future arrangement, can procure the Cherokee tract lying between the Osage lands and the State of Missouri, that then the New York Indians shall have the same, and a like quantity is to be taken off the western end of the tract herein set apart for the New York Indians. And in order to convince the New York Indians of the great desire of the United States to gratify their wishes, it is agreed that the President shall invite a delegation of the Cherokees, and also a delegation of the New York Indians, to assemble at the city of Washington to participate in the negotiations for the said Cherokee country, the expense of which shall be borne by the United States. It is agreed that the New York Indians shall confer on their delegates such powers as shall be necessary to relinquish the lands proposed to be given in exchange with the Government for the Cherokee lands, and such other powers as each tribe may confer relating to the interest of itself."

Strike out the third, fourth, fifth, and sixth articles, in the following words:

“ARTICLE 3. The United States stipulate and agree to remove all the New York Indians of the several tribes described in the foregoing article to their new homes, and to supply them with provisions for one year after their arrival there. But if any chief who shall be, in the opinion of the agent, competent to take care of and remove himself and family, in his own conveyance or otherwise, wishes to do so, he shall be allowed that privilege, and he shall be allowed the same compensation for each person so removed as it would cost the United States, which shall not be less than twenty dollars for each person so removed. And any chief who shall be, in the opinion of the agent, competent to act as a subagent in the removal of his party, and does actually remove them, shall be paid at the rate of five hundred dollars for every party of one hundred persons so by him removed, and in the same ratio, be the number more or less. It is understood that when any chief gives notice to the agent of the Government that he and his party are ready to remove, that the means shall be furnished for that purpose by the Government, and a disbursing agent shall accompany them. It is further agreed that such Indians as prefer to move by land, with their own conveyances, shall be permitted to do so; and those who are removed by the Government shall have every attention paid to their health and comfort, by having good and sufficient conveyances for their accommodation, and a physician to accompany each party of emigrants, if they desire it. It is agreed that the Indians shall be permitted to commute their one year’s support for such a sum as the rations would cost the Government at their new homes.

“ARTICLE 4. It is further agreed that the United States will erect, in the country set apart for the New York Indians, for the use of the respective nations, as many council-houses, churches, school-houses, saw-mills, grist-mills and blacksmith shops, not to exceed one for each nation, except where otherwise specially provided, as shall be necessary and desired by the said nations. But in case any portion of any tribe removes, then a proper proportion of the above-mentioned buildings are to be erected. It is further agreed that the United States shall pay suitable teachers, millers, and blacksmiths, and furnish the necessary coal, iron, steel, and blacksmiths’ tools for ten years, and as much longer as the President shall deem proper.

“ARTICLE 5. It is expressly agreed that if, in the opinion of the President of the United States, he shall hereafter deem it proper to locate the seat of government for the Indian Territory within the territory set apart for the New York Indians, that then he shall be at liberty to select a tract, not to exceed a township, for that purpose, which shall be excepted from the foregoing grant and remain the sole property of the United States; and there shall be added to the territory set apart for the New York Indians a quantity of land which shall be equally valuable.

“ARTICLE 6. The United States, taking a deep interest in the improvement of the Indians in useful knowledge, and believing that a literary institution for their instruction in the higher branches of education, to be established in the Indian Territory, will be highly beneficial to the Indians, hereby stipulate to set apart for that purpose, as a permanent fund, the sum of thirty thousand dollars, to be invested in some safe stock by the President of the United States, the income of which shall be applied to the purchase of the necessary books and apparatus and the support of suitable teachers, who shall always be selected from

among the Indians themselves if persons of the necessary qualifications can be found among them. It is understood that this institution shall be organized under such rules and regulations as the President of the United States shall from time to time prescribe, and to be established at such place as shall be finally selected as the seat of government of the Indian Territory, if that shall be located within the country assigned to the New York Indians; and if not, then the said institution shall be located at such place in said country as shall be determined in a general council of the New York Indians residing there."

Strike out of article 8, after the word "Territory," in line 21, the following words:

"It is expressly understood and agreed that if any of the several tribes of New York Indians shall suffer depredations from any other Indian tribes residing in the Indian Territory, or from citizens of the United States, and the same is proved to be the case to the satisfaction of the agent residing among them, and the property cannot be recovered nor satisfaction therefor obtained by such agent, that then the United States will pay the Indians so sustaining such loss for the same."

Strike out the 9th article, in the following words:

"ARTICLE 9. The United States agree to pay the New York Indians, at their new homes, each year, for five years, ten thousand dollars, in farming utensils, looms, and spinning wheels, and in money to support proper persons to instruct them in the use of the same, and in domestic animals, under such regulations as shall be prescribed by the President of the United States. The rejection of this article by the Senate shall not invalidate the residue of the treaty, and the Senate shall be at liberty to modify and alter this article as they shall deem proper."

Strike out of the 11th article, in lines 4, 5, 6, and 7, the following words:

"And the Government will have one of its agents reside among the New York Indians at the West."

Strike out of the 14th article, after the word "beginning," in line 35, the following words:

"But if the President and Senate shall not ratify and confirm this reservation, then the said Williams is to receive, in lieu thereof, ten thousand dollars, and have the pre-emption right to purchase the said lands at Government price."

Strike out of the 15th article, after the word "accommodation," in line 14, the following words:

"But in case the Cherokee tract, lying east of the Osages, is obtained by the United States, that then the Senecas are to have that tract, and so much north of it, of the country set apart for the New York Indians, as shall be necessary to make the requisite quantity for them and their friends, the Cayugas and Onandagas, residing among them; and."

Strike out of the 15th article all after the word "Fellows," in line 63, in the following words:

"The United States also agree to build at their new homes, for the Senecas and their friends, the Cayugas and Onandagas, residing among them, four saw-mills and four grist-mills, four council-houses, four school-houses, four churches, if they desire it, and three blacksmiths' shops, and one gunsmith shop, and also to provide and pay the necessary millers, teachers, and blacksmiths, and a gunsmith, for ten years, and as much longer as the President of the United States shall deem proper; and the United States will also supply the necessary blacksmiths' tools, iron, steel, and coal, for said shops during that period. It is expressly

understood that the gunsmith is to do all the work for all the New York Indians who remove west and reside at their new homes."

Strike out the 19th article, in the following words:

SPECIAL PROVISIONS FOR THE ONEIDAS AT GREEN BAY.

"ARTICLE 19. The United States agree to pay the sum of three thousand dollars to the Orchard party of the Oneidas, at Green Bay, and the sum of thirty thousand five hundred dollars to the First Christian party, settled at that place, as a remuneration for moneys laid out and expended by the said parties, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands and the removal to the same; the same to be apportioned and paid out to the several claimants by the chiefs and a United States commissioner, as may be deemed most equitable and just. It is expressly agreed that if the Senate of the United States does not ratify and confirm the above in relation to the Green Bay Indians, it shall not invalidate any of the other provisions of this treaty. It is expressly agreed that if any of the Indians now at Green Bay wish to remove to the country set apart as their future homes, they shall be at liberty to do so, and on relinquishing their possessions and improvements to the United States they shall be paid the value of said improvements; and when a sufficient number of said Indians remove to their new homes to need them, the United States will make the provisions for this part of the Oneidas separate from those at Oneida, if they desire it, which are specified in article 4th of this treaty. This article shall not be construed to authorize the Government to compel them to remove."

Change articles 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20 to articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, respectively.

Add the following as a new article:

ARTICLE 15. The United States hereby agree that they will appropriate the sum of four hundred thousand dollars, to be appropriated from time to time, under the direction of the President of the United States, in such proportions as may be most for the interest of said Indians parties to this treaty, for the following purposes, to wit: To aid them in removing to their new homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals and farming utensils and acquiring a knowledge of mechanic arts.

Strike out Schedule D, in the following words:

"SCHEDULE D. The United States will pay to the persons named below the sums mentioned for them, as remuneration for their services in procuring the Green Bay country, and for services as delegates in exploring the western country, and for losses sustained in consequence thereof, and for other services, to wit:

"To George Jameson, two thousand dollars.

"To Thompson S. Harris, twelve hundred dollars.

"To Nathaniel S. Strong, one thousand dollars.

"To Seneca White, one thousand dollars.

"To Marus B. Pierce, one thousand dollars.

"To William Johnson, one thousand dollars.

"To James Young, one thousand dollars.

"To William King, five hundred dollars.

"The above-mentioned sums to be paid the persons named on their settling at their new homes at the West.

"To William Patterson, Israel Jameson, Little Johnson, White Seneca, Silver Smith, Baptiste Pawlis, Jonathan, Jourdan, Martin Daney, John Anthony, Honyost Smith, Henry Jourdan, James Cusick, and James Young, each the sum of two hundred dollars, to be paid when an appropriation is made to the persons mentioned, first deducting the following sums, which have been already advanced to them by J. F. Schermerhorn, to wit:

"William Patterson, one hundred and fifty dollars; Israel Jameson, fifty dollars; Little Johnson, sixty dollars; White Seneca, one hundred dollars; James Young, one hundred dollars; and Silver Smith, fifty dollars, which respective sums have been heretofore advanced by said Schermerhorn and are to be paid to him, they having been with him on the exploring expedition at the West.

"The above was agreed to as a part of the treaty before the same was finally executed.

"R. H. GILLET,
"Commissioner."

Strike out Schedule E, in the following words:

"SCHEDULE E. The United States will set apart twenty thousand dollars, to be paid out in erecting dwellings and making inclosures for such poor persons of the several nations of New York Indians who remove west, after their arrival there, as shall be designated by the chiefs of the respective nations, with the assent of the agent, which shall be expended under such regulations as the President shall prescribe; but the Senate shall have the power to reject or modify this provision without impairing the other parts of the treaty. Whereas the provision in this treaty for a high school or college is supposed not to be large enough to meet the object contemplated, it is therefore provided that the sum of twenty thousand dollars shall be added to the sum so set apart for that purpose; but the Senate shall be at liberty to reject or modify this provision without impairing the other provisions of the treaty.

"The above was made out and agreed to before the final conclusion of the treaty.

"R. H. GILLET,
"Commissioner."

Resolved further (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, which was made at the council-house of St. Regis, on the 13th day of February, 1838, provided the chiefs and headmen of the St. Regis Indians residing in New York will, in general council, accept of and adopt the aforesaid treaty, as modified by the preceding resolution of ratification.

Provided always, and be it further resolved (two-thirds of the Senators present concurring), That the treaty shall have no force or effect whatever, as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully and fairly explained by a commissioner of the United States to each of said tribes or bands, separately assembled in council, and they have given their free and voluntary assent thereto; and if one or more of said tribes or bands,

when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto: *Provided further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper proportion of said sum of four hundred thousand dollars, and shall also deduct from the quantity of land allowed west of the Mississippi such number of acres as will leave to each emigrant three hundred and twenty acres only.

The Senate proceeded, by unanimous consent, to the consideration of said resolutions.

On the question to agree thereto,

It was determined in the affirmative,	{	Yea.....	33
		Nays	2

Those who voted in the affirmative are,

Messrs. Allen, Bayard, Benton, Buchanan, Clay of Alabama, Clay of Kentucky, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, McKean, Nicholas, Niles, Norvell, Rives, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Strange, Tallmadge, Tipton, Trotter, Wall, Webster, White, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Southard, Swift.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. White,

Ordered, That the injunction of secrecy be removed from the proceedings of the Senate on the several treaties confirmed this day.

TUESDAY, JUNE 12, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Augustine Owen to be surveyor and inspector of the revenue for the port of Urbana, in the State of Virginia, vice Thomas E. Hooper, resigned to take effect on the 1st of July, 1838.

M. VAN BUREN.

WASHINGTON, June 9th, 1838.

I nominate to the Senate John A. Monges, of Delaware, to be consul of the United States for the port of Matagorda, in the Republic of Texas.

M. VAN BUREN.

WASHINGTON, June 11th, 1838.

I nominate to the Senate Henry Atkinson, of North Carolina, to be governor of the Territory of Iowa, from and after the third day of July next.

M. VAN BUREN.

WASHINGTON, June 12, 1838.

I nominate to the Senate William B. Conway, of Pennsylvania, to be secretary of the Territory of Iowa, from and after the third day of July next.

M. VAN BUREN.

WASHINGTON, June 12th, 1838.

To the Senate of the United States :

I submit herewith for consideration and action a communication from the Secretary of War, and the treaty with the Otoe, Missouria, and Omaha Indians therein referred to.

M. VAN BUREN.

WASHINGTON CITY, June 11th, 1838.

The messages were read.

Ordered, That the nominations of Augustine Owen and John A. Monges be referred to the Committee on Commerce.

Ordered, That the nominations of Henry Atkinson and William B. Conway be referred to the Committee on the Judiciary.

The treaty with the Otoes, Missourias, and Omahas, received with the message of this day, was read.

On motion by Mr. White,

Ordered, That the message, with the documents and treaty, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

WEDNESDAY, JUNE 13, 1838.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 7th of May last, the convention with Texas for satisfying reclamations by the United States on that Government on account of injuries sustained by American citizens, reported the same without amendment.

The Senate proceeded, as in Committee of the Whole, to the consideration of the said treaty; and no amendment having been made, it was reported to the Senate.

Mr. Buchanan submitted the following resolution :

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the convention between the Government of the United States and the Government of the Republic of Texas, to terminate the reclamations of the former Government for the capture, seizure, and detention of the brigs *Pocket* and *Durango*, and for injuries suffered by American citizens on board the *Pocket*, concluded at the city of Houston on the 11th day of April, 1838.

The Senate proceeded, by unanimous consent, to the consideration of said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 39.

Those who voted are,

Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Strange, Swift, Tallmadge, Trotter, Wall, White, Williams, Wright, Young.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 3d of March last, the treaty with the Stockbridge and Munsee Indians, reported the same without amendment.

The Senate proceeded, as in Committee of the Whole, to the consideration of the said treaty; and no amendment having been made, it was reported to the Senate.

Mr. White submitted the following resolution :

Resolved, That the Senate do not advise and consent to the ratification of the treaty made and concluded at Green Bay, Wisconsin Territory, September 19th, 1836, by John Shermerhorn, commissioner on the part of the United States, and the chiefs and headmen of the Stockbridge and Munsee tribes of Indians, interested in the lands on Winnebago Lake provided for them in the Menomonie treaty of February, 1831, and assented to by them October 27, 1832, and who now reside on Winnebago Lake, and those that are still in the State of New York.

The Senate proceeded, by unanimous consent, to the consideration of said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas 33
Nay 1

Those who voted in the affirmative are,

Messrs. Allen, Bayard, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, McLean, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Roane, Robinson, Sevier, Smith of Indiana, Southard, Strange, Swift, Tallmadge, Trotter, Wall, White, Williams, Wright, Young.

And Mr. Lyon voted in the negative.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 12th instant, the nominations of Henry Atkinson and William A. Conway, reported;

Whereupon

Resolved, That the Senate advise and consent to the appointment of Henry Atkinson and William A. Conway, agreeably to their nominations respectively.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Thomas McKnight, of Wisconsin, to be receiver of public moneys for the district of lands subject to sale at Dubuque, in the Territory of Wisconsin.

M. VAN BUREN.

WASHINGTON, June 13th, 1838.

To the Senate of the United States :

I nominate Verplank Van Antwerp, of Indiana, to be receiver of public moneys for the district of lands subject to sale at Burlington, in the Territory of Wisconsin.

M. VAN BUREN.

WASHINGTON, June 13th, 1838.

To the Senate of the United States :

I nominate Augustus C. Dodge, of Wisconsin, to be register of the land office for the district of lands subject to sale at Burlington, in the Territory of Wisconsin.

M. VAN BUREN.

WASHINGTON, June 13th, 1838.

To the Senate of the United States :

I nominate Joseph W. Worthington, of North Carolina, to be register of the land office for the district of lands subject to sale at Dubuque, in the Territory of Wisconsin.

M. VAN BUREN.

WASHINGTON, June 13th, 1838.

I nominate to the Senate Charles Mason, of Iowa, to be chief justice of the supreme court of the Territory of Iowa, from and after the third day of July next.

M. VAN BUREN.

WASHINGTON, June —, 1838.

I nominate to the Senate T. S. Wilson, of Iowa, to be associate judge of the supreme court of the Territory of Iowa, from and after the third day of July next.

M. VAN BUREN.

WASHINGTON, June —, 1838.

I nominate to the Senate Joseph Williams, of Pennsylvania, to be associate judge of the Territory of Iowa, from and after the third day of July next.

M. VAN BUREN.

WASHINGTON, June —, 1838.

I nominate to the Senate Cyrus S. Jacobs, of Iowa, to be attorney of the United States for the Territory of Iowa, from and after the third day of July next.

M. VAN BUREN.

WASHINGTON, June —, 1838.

I nominate to the Senate Francis Gehon, of Iowa, to be marshal of the United States for the Territory of Iowa, from and after the third day of July next.

M. VAN BUREN.

WASHINGTON, June —, 1838.

I nominate to the Senate Edward James, of Wisconsin, to be marshal of the United States for the Territory of Wisconsin, in the place of Francis Gehon, resigned.

M. VAN BUREN.

WASHINGTON, June —, 1838.

The messages were read.

Ordered, That the nominations of Thomas McKnight, Verplank Van Antwerp, Augustus C. Dodge, and Joseph W. Worthington be severally referred to the Committee on Public Lands.

Ordered, That the nominations of Charles Mason, T. S. Wilson, Joseph Williams, Cyrus S. Jacobs, Francis Gehon, and Edward James be severally referred to the Committee on the Judiciary.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 7th of May last, the nominations of Robert B. Lawton, George C. Waggaman, William C. De Hart, Roland A. Luther, Thomas W. Sherman, and Henry L. Scott, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotions of Robert B. Lawton, George G. Waggaman, William C. De Hart, Roland A. Luther, Thomas W. Sherman, and Henry L. Scott, agreeably to their nominations respectively.

MONDAY, JUNE 18, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Thomas Jefferson Smith, to be consul of the United States for the port of *Cette*, in France.

M. VAN BUREN.

WASHINGTON, *June 14th*, 1838.

To the Senate of the United States:

I nominate Silas Holmes of Rhode Island, Edward H. Van Wyck of New York, Horace Dade Taliaferro of Virginia, J. Howard Smith of Pennsylvania, John A. Guion of North Carolina, James McClelland of Pennsylvania, Samuel Ridout Addison of Ohio, William B. Sinclair of Virginia, Sam'l Jackson of North Carolina, James Jeffry Brownlee, of New York, Joshua Huntington of Connecticut, Robert B. Banister of Virginia, John S. Whittle, of Virginia, Augustus F. Sawyer of New York, Stephen A. McCreery of Virginia to be assistant surgeons in the Navy.

M. VAN BUREN.

WASHINGTON, *June 14th*, 1838.

Gentlemen of the Senate:

I nominate for your advice and consent William C. Bettencourt to be deputy postmaster at *Wilmington*, in the State of North Carolina, from and after the 30th inst., in place of Christopher Dudley, resigned.

M. VAN BUREN.

JUNE 14, 1838.

To the Senate of the United States:

I nominate Robert H. Webb to be surveyor and inspector of the revenue for the port of *Suffolk*, in the State of Virginia, vice Joseph Prentiss, resigned.

M. VAN BUREN.

WASHINGTON, *June 14th*, 1838.

I nominate James K. Paulding, of New York, to be Secretary of the Navy after the 30th inst., in the place of Mahlon Dickerson, whose resignation of that office will take effect on that day.

I nominate John R. Livingston, jun'r, of the city of New York, to be Navy agent, in the place of James K. Paulding, to take effect after the 30th instant.

M. VAN BUREN.

WASHINGTON, *June 15th*, 1838.

To the Senate of the United States:

I nominate John R. Livingston, jr., of New York, to be Navy agent for the port of New York, for four years from the 30th day of June, 1838.

This nomination is made to correct an informality in a nomination of the same gentleman for the same office, heretofore made and now pending before the Senate.

M. VAN BUREN.

WASHINGTON CITY, 15th June, 1838.

The messages were read.

Ordered, That the nominations of Thomas Jefferson Smith and Robert H. Webb be severally referred to the Committee on Commerce.

Ordered, That the nominations of assistant surgeons in the Navy, and of James K. Paulding and John R. Livingston, jr., be severally referred to the Committee on Naval Affairs.

Ordered, That the nomination of William C. Bettencourt be referred to the Committee on the Post-Office and Post-Roads.

Mr. Roane, from the Committee on the District of Columbia, to whom were referred, on the 8th instant, the nominations of James Marshall and Edward Mattingly, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of James Marshall and Edward Mattingly, agreeably to their nominations respectively.

Mr. Fulton, from the Committee on Public Lands, to whom were referred, on the 13th instant, the nominations of Thomas McKnight, Verplank Van Antwerp, Augustus C. Dodge, and Joseph W. Worthington, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas McKnight, Verplank Van Antwerp, Augustus C. Dodge, and Joseph W. Worthington, agreeably to their nominations respectively.

TUESDAY, JUNE 19, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Joseph H. Talbot to be attorney of the United States for the district court of the United States established in the western district of Tennessee, for the counties of Benton, Carroll, Henry, Obion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby, Fayette, Hardeman, McNairy, Hardin, and Perry.

M. VAN BUREN.

WASHINGTON, June 19th, 1838.

I nominate to the Senate Robert J. Chester to be marshal of the United States for the district court of the United States, established in the western district of Tennessee, for the counties of Benton, Carroll, Henry, Obion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby, Fayette, Hardeman, McNairy, Hardin, and Perry.

M. VAN BUREN.

WASHINGTON, June —, 1838.

I nominate to the Senate William M. Gwinn to be marshal of the United States for the district of Mississippi from the 30th day of June, 1838, when his present commission expires.

M. VAN BUREN.

WASHINGTON, — —, 1838.

I nominate to the Senate William S. Hollabird to be attorney of the United States for the district of Connecticut from the 27th day of June, 1838, when his present commission expires.

M. VAN BUREN.

WASHINGTON, — —, 1838.

I nominate to the Senate Arthur L. Magennis to be attorney of the United States for the district of Missouri from the 24th day of June, 1838, when his present commission expires.

M. VAN BUREN.

WASHINGTON, — —, 1838.

The messages were read.

Ordered, That the several nominations contained in the messages received this day be referred to the Committee on the Judiciary.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 13th instant, the nominations of Charles Mason, T. S. Wilson, Cyrus S. Jacobs, and Edward James, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Charles Mason, T. S. Wilson, Cyrus S. Jacobs, and Edward James, agreeably to their nominations respectively.

Mr. Brown, from the Committee on the Post-Office and Post-Roads, to whom was referred, on the 18th instant, the nomination of William C. Bettencourt, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of William C. Bettencourt, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom was referred, on the 8th instant, the nomination of David K. Schenck, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of David K. Schenck, agreeably to the nomination.

WEDNESDAY, JUNE 20, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate John I. Stull, of Georgetown, to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, June 19, 1838.

To the Senate of the United States:

I nominate Thomas Henderson to be receiver of public moneys for the district of lands subject to sale at Cincinnati, in the State of Ohio, vice John G. Avery, who declines the appointment.

M. VAN BUREN.

WASHINGTON, June 20th, 1838.

The messages were read.

Ordered, That the nomination of John I. Stull be referred to the Committee on the District of Columbia.

Ordered, That the nomination of Thomas Henderson be referred to the Committee on Public Lands.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 18th instant, the nominations of James K. Paulding, John R. Livingston, junior, and of assistant surgeons in the Navy, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment James K. Paulding, John R. Livingston, junior, Silas Holmes, Edward H. Van Wyck, Horace Dade Taliaferro, J. Howard Smith, John A. Guion, James McClelland, Samuel Ridout Addison, William B. Sinclair, Samuel Jackson, James Jeffry Brownlee, Joshua Huntington, Robert B. Banister, John S. Whittle, Augustus F. Lawyer, and Stephen A. McCreery, agreeably to their nominations respectively.

THURSDAY, JUNE 21, 1838.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 12th instant, the treaty with the Otoe, Missouri, and Omaha Indians, reported the same without amendment.

The treaty was read the second time.

The Senate proceeded, as in Committee of the Whole, to the consideration of the said treaty; and no amendment having been made, it was reported to the Senate.

Mr. White submitted the following resolution:

Resolved, That the Senate do not advise and consent to the ratification of the treaty made at the Otoe village, Big River Platte, between John Dougherty, agent Indian affairs, being duly authorized on the part of the United States, and the Otoe and Missouri and Omaha tribes of Indians on the 22d day of April, 1838.

The Senate proceeded, by unanimous consent, to the consideration of said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas 33
Nays 1

Those who voted in the affirmative are,

Messrs. Allen, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Fulton, Hubbard, King, Lumpkin, McKean, Merrick, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Rives, Roane, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Wall, White, Williams, Wright.

And Mr. Knight voted in the negative.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. White submitted the following resolutions:

Resolved, That, in the opinion of the Senate, the President of the United States ought not to have a treaty for the purchase or exchange of lands with any band, tribe, or nation of Indians negotiated, unless an appropriation shall have been previously made by Congress to defray the expenses of such negotiation.

Further resolved, That, in the opinion of the Senate, when a treaty is made with any band, tribe, or nation of Indians no stipulation ought to be inserted in such treaty which will require any payment to be made by the United States, before an appropriation can be made by Congress to authorize a compliance with the terms thereof.

Resolved further, That, in the opinion of the Senate, the President of the United States ought to cause the commissioner or agent negotiating any treaty with a band, tribe, or nation of Indians to explain to such tribe, band, or nation that the treaty agreed upon between the ne-

gotiato and Indians will be of no force or effect whatever, unless two-thirds of the Senators, when consulted, consent and agree to the terms and stipulations contained therein.

The said resolutions were read.

MONDAY, JUNE 25, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I recall the nomination to the Senate of William M. Gwin as marshal for the district of Mississippi, and nominate him to be marshal for the southern district of Mississippi.

M. VAN BUREN.

WASHINGTON, June 22d, 1838.

I nominate to the Senate Samuel F. Butterworth to be attorney and Adolphus G. Weir to be marshal for the northern district of Mississippi.

M. VAN BUREN.

WASHINGTON, June 22d, 1838.

To the Senate of the United States:

I nominate Stephen Champlin, now a lieutenant, to be a commander in the Navy from this date.

M. VAN BUREN.

WASHINGTON, June 22d, 1838.

To the Senate:

I nominate Richard W. Cummins for reappointment as one of the Indian agents for the Western Territory, to take effect from and after the 3d of July next, when his present term of service will expire.

M. VAN BUREN.

WASHINGTON, June 23d, 1838.

To the Senate of the United States:

I nominate Albert G. Ellis, of Wisconsin, to be surveyor of public lands in the Wisconsin Territory.

M. VAN BUREN.

WASHINGTON, June 25th, 1838.

The messages were read.

Ordered, That the nomination of William M. Gwin be referred to the Committee on the Judiciary.

Ordered, That the nomination of Stephen Champlin be referred to the Committee on Naval Affairs.

Ordered, That the nomination of Richard W. Cummins be referred to the Committee on Indian Affairs.

Ordered, That the nomination of Albert G. Ellis be referred to the Committee on Public Lands.

The Senate proceeded, by unanimous consent, to the consideration of the nominations of Samuel F. Butterworth and Adolphus G. Weir.

On motion by Mr. Trotter,

Resolved, That the Senate advise and consent to the appointment of Samuel F. Butterworth and Adolphus G. Weir, agreeably to their nominations respectively.

Mr. Roane, from the Committee on the District of Columbia, to whom was referred, on the 20th instant, the nomination of John I. Stull, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John I. Stull, agreeably to the nomination.

Mr. Fulton, from the Committee on Public Lands, to whom were referred, on the 6th and 20th instant, the nominations of David E. Owen and Thomas Henderson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of David E. Owen and Thomas Henderson, agreeably to their nominations respectively.

TUESDAY, JUNE 26, 1838.

Mr. Grundy, from the Committee on the Judiciary, to whom were referred, on the 13th, 19th, and 25th instant, the nomination of Joseph Williams, Francis Gehon, Joseph H. Talbot, Robert I. Chester, William S. Hollabird, Arthur L. Magennis, and William M. Gwin, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Joseph Williams, Francis Gehon, Joseph H. Talbot, Robert I. Chester, William S. Hollabird, Arthur L. Magennis, agreeably to their nominations respectively; and to the appointment of William M. Gwin, agreeably to the nomination of the 25th instant.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 25th instant, the nomination of Richard W. Cummins, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Richard W. Cummins, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 12th and 18th instant, the nominations of Augustine Owen, John A. Monges, and Robert H. Webb, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Augustine Owen, John A. Monges, and Robert H. Webb, agreeably to their nominations respectively.

On motion by Mr. Clay, of Alabama,

The Senate proceeded to reconsider the vote taken on the nomination of Joseph Williams; and

After debate,

On motion by Mr. Grundy,

It was again

Resolved, That the Senate advise and consent to the appointment of Joseph Williams, agreeably to the nomination.

THURSDAY, JUNE 28, 1838.

The following message was received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Moses M. Strong to be attorney of the United States for the Territory of Wisconsin, in the place of W. W. Chapman.

M. VAN BUREN.

WASHINGTON, June 27th, 1838.

The message was read.

Ordered, That the nomination of Moses M. Strong be referred to the Committee on the Judiciary.

Mr. King, from the Committee on Commerce, to whom was referred, on the 18th instant, the nomination of Thomas Jefferson Smith, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Thomas Jefferson Smith, agreeably to the nomination.

Mr. Fulton, from the Committee on Public Lands, to whom was referred, on the 25th instant, the nomination of Albert G. Ellis, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Albert G. Ellis, agreeably to the nomination.

THURSDAY, JULY 5, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, June 25th, 1838.

WAR DEPARTMENT, June 25th, 1838.

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for regular promotion, and persons for appointment in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

ADJUTANT-GENERAL'S OFFICE,

Washington, June 25th, 1838.

SIR: Herewith I respectfully submit a list of regular promotions and appointments in the Army to fill the vacancies which are known to have occurred inclusive of this date. The list includes the graduating class of this year, consisting of forty-five cadets, who have been recommended by the Academic Board for appointments. The vacancies, it will be seen, are thirty-nine, which leaves six of the graduates to be assigned to regiments with the brevet of second lieutenants, agreeably to the provisions of the act of Congress.

I am, sir, with great respect, your ob't serv't,

R. JONES,

Hon. J. R. POINSETT,

Adj't Gen'l.

Secretary of War.

ADJUTANT-GENERAL'S OFFICE,

Washington, June 25th, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

First Regiment of Dragoons.

Second Lieutenant William N. Grier to be first lieutenant, 14th April, 1838, vice Ury, deceased.

Cadet Andrew J. Smith to be second lieutenant, 1st July, 1838.

Cadet Charles F. Ruff to be second lieutenant, 1st July, 1838.

Second Regiment of Dragoons.

Second Lieutenant Nathan Darling to be 1st lieutenant 1st March, 1838, vice Maury, resigned.

Cadet William A. Brown to be 2d lieutenant, 1st July, 1838.

Cadet William J. Hardee to be 2d lieutenant, 1st July, 1838.

Cadet Hamilton W. Merrill to be 2d lieutenant, 1st July, 1838.

Cadet Owen P. Ransom to be 2d lieutenant, 1st July, 1838.

Cadet Henry H. Sibley to be 2d lieutenant, 1st July, 1838.

Cadet Ripley A. Arnold to be 2d lieutenant, July 1st, 1838.

Cadet Richard H. Graham to be 2d lieutenant, 1st July, 1839.

Cadet Zebulon M. P. Inge to be 2d lieutenant, July 1st, 1838.

First Regiment of Artillery.

Cadet William H. Wright to be 2d lieutenant, 1st July, 1838.

Cadet P. G. T. Beauregard to be 2d lieutenant, 1st July, 1838.

Cadet James H. Trapier to be 2d lieutenant, 1st July, 1838.

Cadet Isaac S. K. Reeves to be 2d lieutenant, 1st July, 1838.

Cadet Irvin McDowell to be brevet 2d lieutenant, 1st July, 1838.

Second Regiment of Artillery.

Cadet Stephen H. Campbell to be 2d lieutenant, 1st July, 1838.

Cadet Alex. H. Dearborn to be 2d lieutenant, 1st July, 1838.

Cadet William B. Blair to be 2d lieutenant, 1st July, 1838.

Cadet Lucius Pitkin to be 2d lieutenant, 1st July, 1838.

Cadet William A. Nichols to be brevet 2d lieutenant, 1st July, 1838.

Cadet Leslie Chase to be brevet 2d lieutenant, 1st July, 1836.

Third Regiment of Artillery.

Cadet John T. Metcalf to be 2d lieutenant, 1st July, 1838.

Cadet Thomas Casey to be 2d lieutenant, 1st July 1838.

Cadet Buckner Board to be 2d lieutenant, 1st July, 1838.

Cadet James M. Ketchum to be 2d lieutenant, 1st July, 1838.

Cadet Wm. H. Shover to be 2d lieutenant, 1st July, 1838.

Cadet Milton A. Hayne to be brevet 2d lieutenant, 1st July, 1838.

Cadet Rowley S. Jennings to be brevet 2d lieutenant, 1st July, 1838.

Fourth Regiment of Artillery.

Cadet Thomas L. Ringgold to be 2d lieutenant, 1st July, 1838.

Cadet Henry C. Wayne to be second lieutenant, 1st July, 1838.

Cadet Wm. F. Barry to be brevet 2d lieutenant, 1st July, 1838.

First Regiment of Infantry.

Second Lieutenant George H. Pegram to be first lieutenant, 1st July, 1838, vice Beach, resigned.

Cadet Robert S. Granger to be 2d lieutenant, 1st July, 1838.

Cadet John H. Mathews to be 2d lieutenant, 1st July, 1838.

Cadet Alex. W. Reynolds to be 2d lieutenant, 1st July, 1838.

Cadet Ferdinand S. Mumford to be 2d lieutenant, 1st July, 1838.

Second Regiment of Infantry.

First Lieutenant Joseph R. Smith to be captain, 26th April, 1838, vice Cobbs, promoted.

Second Lieutenant John M. Clendenin to be 1st lieutenant, 26th April, 1838, vice Smith, promoted.

Cadet Justus McKinstry to be 2d lieutenant, 1st July, 1838.

Fourth Regiment of Infantry.

Cadet Constant Freeman to be 2d lieutenant, 1st July, 1838.

Cadet Robert M. Cochran to be 2d lieutenant, 1st July, 1838.

Fifth Regiment of Infantry.

Brevet Major W. V. Cobbs, captain of the 2d Regiment of Infantry, to be major, 26th April, 1838, vice Green, promoted.

Cadet Carter L. Stevenson to be 2d lieutenant, 1st July, 1838.

Sixth Regiment of Infantry.

Major John Green, of the 5th Reg. of Infantry, to be lieut. colonel, 26th April, 1838, vice Fowle, deceased.

Cadet Jeremiah M. Scarritt to be 2d lieutenant, 1st July, 1838.

Cadet John C. Fletcher to be 2d lieutenant, 1st July, 1838.

Cadet Langdon C. Easton to be 2d lieutenant, 1st July, 1838.

Cadet Edward Johnson to be 2d lieutenant, 1st July, 1838.

Cadet Charles J. Hughes to be 2d lieutenant, 1st July, 1838.

Cadet Wm. Hulbert to be 2d lieutenant, 1st July, 1838.

R. JONES,

Adj't Gen'l.

To the Senate of the United States:

I nominate Lieutenant-Colonel Thayer, of the Corps of Engineers, for the brevet of colonel in the Army, agreeably to the recommendation of the Secretary of War.

M. VAN BUREN.

WASHINGTON, June 28th, 1838.

WAR DEPARTMENT, June 28, 1838.

SIR: In submitting the name of Brevet Lieutenant-Colonel S. Thayer, of the Corps of Engineers, for the brevet of colonel for ten years' faithful service in one grade, it may be proper to state the circumstances of his case.

When the law of 1812 regulating brevets was repealed by the act of June 30, 1834, all the officers of the Army who were known to be entitled to the ordinary brevet promotion for ten years' faithful service in one grade received on that day, by and with the advice and consent of the Senate, the brevet promotion to which they were respectively entitled. The regulation which governed the subject under the law had reference only to service with regularly organized bodies of troops, and valid claims arising under it were generally known and easily understood at the Adjutant-General's Office. If incidental cases occurred, for which the written regulations could not provide the rule, altho' equally valid, such, nevertheless, may not in every instance have been known at the War Department until specially represented by the party interested. The case of Brevet Lieutenant-Colonel Thayer happened to be one of those incidental claims, and as soon as it was submitted for consideration its validity was clearly seen and acknowledged. Had it been submitted to the Department when the list was made out in June, 1834, it may not be doubted that this highly meritorious and deserving officer would at the time have received the brevet of colonel for "having served faithfully as brevet lieutenant-colonel and performed the appropriate duties of that grade for ten years," which, it may be seen, was due more than *a year before the passage of the act repealing the law*.

In presenting now this deferred case for your favorable consideration

justice requires that I should advert to the valuable services rendered to the Army and the country by Lieut. Colonel Thayer as superintendent of the Military Academy at West Point. In 1817 he found that institution defective in all its branches, and without order; in 1833 he left it established upon a basis alike honorable to himself and useful to the nation. These meritorious services constitute *another* claim which entitles this officer to the notice of the Government; and as they come fairly within one of the conditions of the law which yet open the way to brevet promotion, the incentive it provides is fully realized by the services that have been rendered.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

Brevet Colonel.

Sylvanus Thayer, major of the Corps of Engineers, 24th May, 1828, and lieutenant-colonel by brevet, 3d March, 1823, to be colonel by brevet from 3d March, 1833, having served faithfully as brevet lieutenant-colonel and performed the appropriate duties of that grade for ten years.

R. JONES,

Adj't Gen'l.

JUNE 26TH, 1838.

WASHINGTON, 30th June, 1838.

To the Senate of the United States:

I nominate the person named in the accompanying communication of the Secretary of War for the reappointment of a paymaster in the Army of the United States.

M. VAN BUREN.

WAR DEPARTMENT, 30th June, 1838.

SIR: I have the honor to submit herewith the name of Daniel Randall to be reappointed paymaster in the Army of the United States, to take effect from the 21st of July, 1838.

I have the honor to be, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

I nominate to the Senate William Tudor Tucker to be consul of the United States for the Island of Bermuda.

M. VAN BUREN.

WASHINGTON, June 30th, 1838.

I nominate to the Senate Felix Grundy, of Tennessee, to be Attorney-General of the United States, from the first day of September next, when the resignation of Benjamin F. Butler will take effect.

M. VAN BUREN.

WASHINGTON, July 5th, 1838.

The messages were read.

Ordered, That the several nominations for promotion and appointment in the Army be referred to the Committee on Military Affairs.

Ordered, That the nomination of William Tudor Tucker be referred to the Committee on Commerce.

The Senate proceeded, by unanimous consent, to the consideration of the nomination of Felix Grundy.

On motion by Mr. Wall,

Resolved, That the Senate advise and consent to the appointment of Felix Grundy, agreeably to the nomination.

Mr. Davis, from the Committee on Commerce, to whom was referred, on the 31st May last, the nomination of Stephen H. Weems, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Stephen H. Weems, agreeably to the nomination.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 28th of June last, the nomination of Moses M. Strong, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Moses M. Strong, agreeably to the nomination.

Mr. Norvell, from the Committee on Commerce, to whom was referred, this day, the nomination of William Tudor Tucker, reported.

The Senate proceeded, by unanimous consent, to the consideration of the said nomination.

On motion by Mr. Norvell,

Resolved, That the Senate advise and consent to the appointment of William Tudor Tucker, agreeably to the nomination.

SATURDAY, JULY 7, 1838.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate Elisha A. Rhodes, of New Orleans, to be consul of the United States for the port of Galveston, in the Republic of Texas.

M. VAN BUREN.

WASHINGTON, *July 6th*, 1838.

I nominate to the Senate Robert Lucas, of Ohio, to be governor of the Territory of Iowa, in the place of Henry Atkinson, resigned.

M. VAN BUREN.

WASHINGTON, *7th July*, 1838.

I nominate to the Senate Thompson F. Mason, of Alexandria, to be judge of the criminal court of the District of Columbia.

M. VAN BUREN.

WASHINGTON, *July 7th*, 1838.

I nominate to the Senate Dillon Jordan, junior, of North Carolina, to be judge of the United States for the district of West Florida, in the place of I. A. Cameron, deceased.

M. VAN BUREN.

WASHINGTON, *July 7th*, 1838.

To the Senate of the United States:

I nominate the persons named in the accompanying list for promotions and appointments in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, *7th July*, 1838.

WAR DEPARTMENT, 7th July, 1838.

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for promotion and appointment in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE, July 7th, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY.

The Eighth, or New, Regiment of Infantry.

Major Willam I. Worth, of the ordnance, lieutenant-colonel by brevet, to be colonel.

Major B. K. Pierce, of the 1st Regiment of Artillery, lieutenant-colonel by brevet, to be lieutenant-colonel.

Captain E. A. Hitchcock, of the 1st Infantry, to be major.

To be captain in the regiment:

1. Captain T. P. Gwynne, of the 1st Infantry, to rank from the 4th March, 1833.

2. Captain St. Clair Denny, of the 5th Infantry, to rank from the 1st of April, 1836.

3. Captain Samuel L. Russell, of the 2d Infantry, to rank from the 28th of June, 1836.

4. Captain G. A. McCall, of the 4th Infantry, to rank from the 21st of September, 1836.

5. Captain George Wright, of the 3d Infantry, to rank from the 30th October, 1836.

6. Captain J. S. Worth, of the 6th Infantry, to rank from the 31st of July, 1837.

7. Captain G. J. Rains, of the 7th Infantry, to rank from the 25th of December, 1837.

8. First Lieutenant E. B. Birdsall, of the 3d Infantry.

9. First Lieutenant James Bonnel, of the 3d Infantry.

10. First Lieutenant W. K. Montgomery, of the 3d Infantry.

To be first lieutenants in the regiment:

1. First Lieutenant William O. Kello, of the 3d Infantry, to rank from the 15th of November, 1836.

2. First Lieutenant E. A. Ogden, of the 1st Infantry, to rank from the 17th of December, 1836.

3. First Lieutenant J. M. Hill, of the 2d Infantry, to rank from the 31st of December, 1836.

4. First Lieutenant C. C. Daveiss, of the 5th Infantry, to rank from the 31st of December, 1836.

5. First Lieutenant A. C. Myers, of the 4th Infantry, to rank from the 6th of September, 1837.

6. First Lieutenant H. McKavett, of the 7th Infantry, to rank from the 25th of December, 1837.

7. Second Lieutenant Thomas Johns, of the 2d Infantry.

8. Second Lieutenant W. M. D. McKissack, of the 5th Infantry.

9. Second Lieutenant Collinson Gates, of the 4th Infantry.

10. Second Lieutenant R. Bennett, of the 1st Infantry.

To be second lieutenants in the regiment:

1. Second Lieutenant J. M. Harvie, of the 2d Infantry, to rank from the 1st of July, 1837.

2. Second Lieutenant J. T. Sprague, of the 5th Infantry, to rank from the 3d July, 1837.
3. Second Lieutenant Lucius O'Brien, of the 3d Infantry, to rank from the 3d of September, 1837.
4. Second Lieutenant George Lincoln, of the 4th Infantry, to rank from the 14th September, 1837.
5. W. C. Browne, of Pennsylvania.
6. John A. Riell, of New York.
7. A. L. Sheppard, of District of Columbia.
8. W. B. Heyward, of Maryland.
9. Joseph Selden, of Virginia.
10. T. S. J. Johnson, of Missouri.

R. JONES,
Adj't Gen'l.

WAR DEPARTMENT, ADJ'T GEN'L'S OFFICE,
Washington, July 7th, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY.

1st Regiment of Artillery.

- First Lieut. F. Taylor to be captain.
Second Lieut. M. J. Burke to be first lieutenant.
Second Lieut. J. S. Hathaway to be first lieutenant.

2d Regiment of Artillery.

- First Lieut. C. F. Smith to be captain.
Second Lieut. J. F. Roland to be first lieutenant.
Second Lieut. M. L. Shackelford to be first lieutenant.

3d Regiment of Artillery.

- First Lieut. W. B. Davidson to be captain.
Second Lieut. C. Q. Tompkins to be first lieutenant.
Second Lieut. W. Frazer to be first lieutenant.

4th Regiment of Artillery.

- First Lieut. S. B. Dusenberry to be captain.
Second Lieut. W. G. Freeman to be first lieutenant.
Second Lieut. J. Roberts to be first lieutenant.

PROMOTIONS BY BREVET.

Lieutenant-Colonel W. Davenport, of the 1st Infantry, to be colonel by brevet, for meritorious services in Florida.

Captain T. Noel, of the 6th Regiment of Infantry, to be major by brevet, for gallant conduct in the battle of Kissimmee, to rank from 25th of December, 1837.

R. JONES,
Adj't Gen'l.

WAR DEPARTMENT, ADJUTANT-GEN'L'S OFFICE,
Washington, July 7th, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY.

Adjutant-General's Department.

Captain S. Cooper, of the 4th Artillery, to be assistant adjutant-general, with the brevet rank of major of cavalry.

Captain L. Thomas, of the 4th Infantry, to be assistant adjutant-general, with the brevet rank of major of cavalry.

First Lieut. R. Anderson, of the 3d Artillery, to be assistant adjutant-general, with the brevet rank of captain of cavalry.

First Lieut. E. D. Keyes, of the 3d Artillery, to be assistant adjutant-general, with the brevet rank of captain of cavalry.

First Lieut. Edmund Schriver, of the 2d Artillery, to be assistant adjutant-general, with the brevet rank of captain of cavalry.

First Lieut. G. H. Griffin, of the 6th Infantry, to be assistant adjutant-general, with the brevet rank of captain of cavalry.

Subsistence Department.

Major James H. Hook, commissary of subsistence, to be assistant commissary general of subsistence, with the rank of lieutenant-colonel of cavalry.

Captain I. P. Taylor, of the 2d Artillery, commissary of subsistence, to be commissary, with the rank of quartermaster.

Captain T. Lendrum, of the 3d Artillery, to be commissary of subsistence, with the rank of quartermaster.

Captain R. B. Lee, of the 3d Artillery, major by brevet, to be commissary of subsistence, with the rank of assistant quartermaster.

First Lieut. I. B. Grayson, of the 2d Artillery, assistant commissary of subsistence, to be commissary of subsistence, with the rank of assistant quartermaster.

First Lieut. I. C. Casey, of the 2d Artillery, assistant commissary of subsistence, with the rank of assistant quartermaster.

R. JONES,
Adj't Gen'l.

WAR DEPARTMENT, ADJ'T-GENERAL'S OFFICE,
Washington, 7th July, 1838.

Quartermaster-General's Department.

Major Henry Stanton, quartermaster and lieutenant-colonel brevet, to be assistant quartermaster-general, with the rank of colonel.

Major Trueman Cross, quartermaster, to be assistant quartermaster-general, with the rank of colonel.

Major Joshua B. Brant, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel.

Major Henry Whiting, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel.

Brevet Major Thomas F. Hunt, captain of the 5th Regiment of Infantry and assistant quartermaster, to be quartermaster, with the rank of major.

Brevet Major Isaac Clark, captain of the 6th Regiment of Infantry and assistant quartermaster, to be quartermaster, with the rank of major.

Brevet Major Æneas Mackay, captain of the 3d Regiment of Artillery and assistant quartermaster, to be quartermaster, with the rank of major.

Captain Charles Thomas, of the 7th Regiment of Infantry and assistant quartermaster, to be quartermaster, with the rank of major.

Captain Samuel McKee, of the 1st Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 1).

Captain C. A. Waite, of the 2d Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 3).

Captain Thomas Swords, of the 1st Regiment of Dragoons, to be assistant quartermaster, with the rank of captain (to be No. 4).

Captain George H. Crossman, of the 6th Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 5).

First Lieutenant S. B. Dusenberry, of the 4th Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 6).

First Lieutenant D. H. Vinton, of the 3d Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 7).

First Lieutenant John L'Engle, of the 3d Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 8).

First Lieutenant E. B. Alexander, of the 3d Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 9).

First Lieutenant Osborn Cross, of the 1st Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 11).

First Lieutenant James A. Chalmers, of the 2d Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 12).

First Lieutenant M. M. Clark, of the 2d Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 15).

First Lieutenant E. B. Babbit, of the 3d Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 17).

First Lieutenant J. P. Davis, of the 7th Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 18).

First Lieutenant Charles O. Collins, of the 4th Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 21).

First Lieutenant A. R. Hetzel, of the 2d Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 22).

First Lieutenant I. W. McCrabb, of the 4th Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 26).

Captain D. D. Tompkins, of the 1st Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 2).

First Lieutenant Frederick Searle, of the 4th Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 10).

First Lieutenant S. P. Heintzleman, of the 2d Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 13).

First Lieutenant John R. Irwin, of the 1st Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 14).

First Lieutenant E. S. Sibley, of the 1st Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 16).

First Lieutenant B. A. Territt, of the 1st Regiment of Dragoons, to be assistant quartermaster, with the rank of captain (to be No. 19).

First Lieutenant R. E. Clary, of the 5th Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 20).

First Lieutenant R. H. Peyton, of the 2d Regiment of Artillery, to be assistant quartermaster, with the rank of captain (to be No. 23).

First Lieutenant R. S. Dix, of the 7th Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 24).

First Lieutenant B. Alvord, of the 4th Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 25).

First Lieutenant E. A. Ogden, of the 1st Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 27).

First Lieutenant James M. Hill, of the 2d Regiment of Infantry, to be assistant quartermaster, with the rank of captain (to be No. 28).

R. JONES,
Adj't Gen'l.

WAR DEPARTMENT, ADJ'T GEN'L'S OFFICE,
Washington, July 7th, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY.

Corps of Engineers.

Major S. Thayer, lt. col. by brevet, to be lieutenant-colonel.

Captain J. L. Smith, major by brevet, to be major, vice Thayer, appointed lieutenant-colonel.

Captain W. H. Chase to be major.

Captain R. Delafield to be major.

First Lieut. G. Dutton to be captain, vice Smith, promoted.

First Lieut. J. R. F. Mansfield to be captain, vice Chase, promoted.

First Lieut. A. H. Bowman to be captain, vice Delafield, promoted.

First Lieut. R. E. Lee to be captain.

First Lieut. A. I. Swift to be captain.

Second Lieut. F. A. Smith to be captain.

Second Lieut. I. G. Barnard to be captain.

Second Lieut. G. W. Cullum to be captain.

Second Lieut. W. Smith to be captain.

Second Lieut. J. Sanders to be first lieut., vice Leslie, transferred.

Second Lieut. C. H. Bigelow to be first lieutenant, vice Dutton, promoted.

Bvt. Second Lieut. G. L. Welcker to be first lieutenant, vice Mansfield, promoted.

Bvt. Second Lieut. J. L. Mason to be first lieutenant, vice Bowman, promoted.

Bvt. Second Lieut. H. H. Benham to be first lieutenant, vice Lee, promoted.

Bvt. Second Lieut. D. Leadbetter to be first lieutenant, vice Swift, promoted.

Bvt. Second Lieut. M. C. Meigs to be first lieutenant.

Bvt. Second Lieut. D. P. Woodbury to be first lieutenant.

Second Lieut. W. H. Wright, of the 1st Artillery, to be second lieutenant.

Second Lieut. P. G. T. Beauregard, of the 1st Artillery, to be second lieutenant.

Second Lieut. J. H. Trapier, of the 1st Artillery, to be second lieutenant.

Second Lieut. S. H. Campbell, of the 2d Artillery, to be second lieutenant.

Second Lieut. J. M. Scarritt, of the 6th Infantry, to be second lieutenant.

Corps of Topographical Engineers.

Brevet Major J. J. Abert, topographical engineer, lieut. colonel by brevet, to be colonel.

Brevet Major I. Kearney, topographical engineer, lieut. colonel by brevet, to be lieutenant-colonel.

Brevet Major S. H. Long, topographical engineer, lieut. colonel by brevet, to be major.

Brevet Major H. Bache, topographical engineer, to be major.

Brevet Major J. D. Graham, topographical engineer, to be major.

Brevet Major W. Turnbull, topographical engineer, to be major.

Brevet Captain W. H. Swift, ass't topographical engineer, to be captain.

Brevet Captain W. G. Williams, ass't topographical engineer, to be captain.

Brevet Captain A. Canfield, ass't topographical engineer, to be captain.

Brevet Captain C. Graham, ass't topographical engineer, to be captain.

W. B. Guion, of the State of Mississippi, to be captain.

G. W. Hughes, of the State of New York, to be captain.

T. J. Cram, late of the Army, to be captain.

J. McClellan, late of the Army, to be captain.

W. Hood, late of the Army, to be captain.

First Lieut. J. Mackay, of the 2d Artillery, to be captain.

H. Stansberry, of the State of New York, to be first lieutenant.

First Lieutenant T. B. Linnard, of the 2d Artillery, to be first lieutenant.

John E. Johnson, late of the Army, to be first lieutenant.

T. J. Lee, late of the Army, to be first lieutenant.

A. A. Humphreys, late of the Army, to be first lieutenant.

W. H. Emory, late of the Army, to be first lieutenant.

First Lieutenant J. N. Macomb, of the 4th Artillery, to be first lieutenant.

First Lieutenant W. W. S. Bliss, of the 4th Infantry, to be first lieutenant.

First Lieutenant J. E. Blake, of the 6th Infantry, to be first lieutenant.

First Lieutenant Aug. P. Allen, of the 3d Artillery, to be first lieutenant.

L. Sitgreaves to be second lieutenant.

Second Lieutenant W. H. Warner, of the 1st Artillery, to be second lieutenant.

Second Lieutenant J. C. Woodruff, of the 3d Artillery, to be second lieutenant.

Second Lieutenant J. W. Gunnison, of the 3d Artillery, to be second lieutenant.

Second Lieutenant E. P. Scammon, of the 4th Artillery, to be second lieutenant.

Second Lieutenant Robert McLane, of the 1st Artillery, to be second lieutenant.

C. V. Hagner, of Dist. Columbia, to be second lieutenant.

William R. Palmer, State of New Jersey, to be second lieutenant.

C. Fremont, of the State of South Carolina, to be second lieutenant.

J. D. Webster, of the State of Massachusetts, to be second lieutenant.

R. JONES,
Adj't Gen'l.

WAR DEPARTMENT, ADJ'T GEN'L'S OFFICE,
Washington, July 7th, 1838.

PROMOTIONS AND APPOINTMENTS

Ordnance Department.

Captain M. P. Lomax, of the 3d Artillery, major by brevet, to be major.

Captain R. L. Baker, major by brevet, to be major.

First Lieut. W. Maynadier, of the 1st Artillery, to be captain.

R. JONES,
Adj't Gen'l.

To be first lieutenants in the ordnance.

- 1st Lieut. W. A. Thornton, of the 4th Artillery.
 1st Lieut. R. E. Temple, of the 3d Artillery.
 1st Lieut. R. H. K. Whitely, of the 2d Artillery.
 1st Lieut. G. H. Talcott, of the 3d Artillery.
 1st Lieut. J. F. Lee, of the 1st Artillery.
 1st Lieut. J. M. Morgan, of the 2d Artillery.

To be second lieutenants of ordnance.

- 2d Lieut. R. A. Wainwright, of the 4th Artillery.
 2d Lieut. P. V. Hagner, of the 3d Artillery.
 2d Lieut. A. B. Dyer, of the 3d Artillery.
 2d Lieut. A. H. Dearborn, of the 2d Artillery.
 2d Lieut. J. F. Metcalf, of the 3d Artillery.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
 Washington, 7th July, 1838.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Assistant Surgeon Benjamin King to be surgeon, to rank from 13th July, 1832.

- Assistant Surgeon Charles S. Tripler to be surgeon.
 Assistant Surgeon Philip Maxwell to be surgeon.
 Assistant Surgeon Henry L. Heiskill to be surgeon.
 Assistant Surgeon Charles McDougall to be surgeon.
 Assistant Surgeon Burton Randall to be surgeon.
 Assistant Surgeon Nathan S. Jarvis to be surgeon.

R. JONES,
Adj't Gen'l.

To the Senate of the United States:

I nominate Lieutenant-Colonel James Bankhead, of the 4th Regiment of Artillery, to be colonel by brevet, for meritorious conduct in the campaign of Florida.

M. VAN BUREN.

JULY 7TH, 1838.

I nominate to the Senate Richard C. Allen, of Florida, to be judge of the Appalachicola district, in said Territory;

William H. Brockenborough to be district attorney for the same district;

Peter W. Gautier, jr., now marshal of the western district, to be marshal for the Appalachicola district; and

George Willis to be marshal of the western district, in the place of Peter W. Gautier, jr.

M. VAN BUREN.

To the Senate:

I nominate Robert Mackay to be naval officer of the port of Savannah, in the place of Thomas Wayne, resigned.

I nominate Theophilus F. Loftin to be surveyor of the port of St. Andrew's, in Florida, in place of Wm. M. Loftin, deceased.

M. VAN BUREN.

WASHINGTON, July 7th, 1838.

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nominations for promotions and appointments in the Army; and After debate,

On motion by Mr. Pierce,

Ordered, That the nominations of William B. Guion, G. W. Hughes, T. I. Cram, J. McClellan, W. Hood, H. Stansberry, John E. Johnson, T. J. Lee, A. A. Humphreys, W. H. Emory, L. Sitgreaves, C. V. Hagner, William R. Palmer, C. Frimont, and J. D. Webster be severally referred to the Committee on Military Affairs.

On motion by Mr. Buchanan,

Ordered, That the nominations for promotion and appointment in the Ordnance Department be severally referred to the Committee on Military Affairs.

On motion by Mr. Benton,

Resolved, That the Senate advise and consent to the promotion and appointment of all the persons nominated in the Army, in the message of this day, except those whose nominations have been referred to the Committee on Military Affairs.

The Senate proceeded, by unanimous consent, to the consideration of the nominations of Elisha A. Rhodes, Robert Lucas, Thompson F. Mason, and James Bankhead.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Ordered, That the nominations of Dillon Jordan, jr., Richard C. Allen, William H. Brockenborough, Peter W. Gautier, jr., and George Willis be severally referred to the Committee on the Judiciary.

Ordered, That the nominations of Robert Mackay and Theophilus F. Loftus be referred to the Committee on Commerce.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 31st of January, 16th April, and 25th of June last, the nominations of John R. Coxe, jr., Richard Kennon, and Stephen Champlin, reported.

Whereupon

After debate,

Resolved, That the Senate advise and consent to the appointment of Stephen Champlin, agreeably to the nomination.

On motion by Mr. Buchanan,

Ordered, That the nominations of John R. Coxe, jr., and Richard Kennon be laid on the table.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 5th instant, sundry nominations for promotion and appointment in the Army, and the nominations of Sylvanus Thayer and Daniel Randall, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion and appointment of all the said persons, agreeably to their nominations respectively.

Mr. Wall, from the Committee on the Judiciary, to whom were referred this day the nominations of Dillon Jordan, jr., Richard C. Allen, William H. Brockenborough, Peter W. Gautier, jun'r, and George Willis, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

MONDAY, JULY 9, 1838.

The following messages were received from the President of the United States, by Mr Van Buren, his secretary:

To the Senate:

I nominate Laban C. Howell as receiver for the sales of land in the western land district in Arkansas.

Richard C. S. Brown to be register in the western land district in Arkansas.

Benoits Laurents to be receiver in the northwestern land district in Louisiana.

Patrick O. Lee to be register in the northwestern land district in Louisiana.

John Thatcher to be collector for the port of Vicksburg, in the State of Mississippi.

M. VAN BUREN.

9TH JULY, 1838.

To the Senate of the United States:

I nominate M. G. L. Claiborne, now a passed midshipman, to be a lieutenant in the Navy from 22d June, 1838.

M. VAN BUREN.

9TH JULY, 1838.

The messages were read.

The Senate proceeded, by unanimous consent, to the consideration of the nominations of Laban C. Howell, Richard C. S. Brown, Benoits Laurents, Patrick O. Lee, John Thatcher, and M. G. L. Claiborne.

On motion by Mr. Norvell,

Resolved, That the Senate advise and consent to the appointment of Laban C. Howell, Richard S. C. Brown, Benoits Laurents, Patrick O. Lee, and John Thatcher, agreeably to their nominations respectively.

On motion by Mr. Rives,

Resolved, That the Senate advise and consent to the appointment of M. G. L. Claiborne, agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 7th instant, sundry nominations for promotion and appointment in the Army, reported.

Whereupon

After debate,

Resolved, That the Senate advise and consent to the appointment of the following-named persons, agreeably to their nominations respectively, viz: W. B. Guion, G. W. Hughes, H. Stansbury, John E. Johnson, C. V. Hagner, William R. Palmer, C. Frimont, J. D. Webster, M. P. Lomax, R. L. Baker, W. Maynadier, W. A. Thornton, R. E. Temple, B. H. K. Whitely, G. H. Talcott, J. F. Lee, J. M. Morgan, R. A. Wainwright, P. V. Hagner, A. B. Dyer, A. H. Dearborn, J. F. Metcalf.

On motion by Mr. Hubbard,

Resolved, That the nominations of the following-named persons be severally laid on the table, viz: T. J. Cram, J. McClellan, W. Hood, T. J. Lee, A. A. Humphreys, W. H. Emory, and Lorenzo Sitgreaves.

Mr. Norvell, from the Committee on Commerce, to whom were referred, on the 7th instant, the nominations of Robert Mackay and Theophilus F. Loftin, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Robert Mackay and Theophilus T. Loftin, agreeably to their nominations respectively.